



AGENDA
RIO DELL PLANNING COMMISSION
REGULAR MEETING
TUESDAY, MAY 22, 2018 – 6:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME.....*By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2018/0522.01 - Approve Minutes of the April 24, 2018 Regular Meeting **(ACTION)** 1
- 2) 2018/0522.02 - Adopt Resolution No. 124-2018 Approving Wendt Construction
Lot Line Adjustment - APN No's. 205-111-074 and 205-111-075
Case No. LLA 18-02 **(ACTION)** 9
- 3) 2018/0522.03 - Adopt Resolution No. 127-2018 Approving a Minor Subdivision for
Rio Dell Holdings – File No. 205-111-069 – Case No. PMS 18-01
(ACTION) 26

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2018/0522.04 - Adopt Resolution No. PC 125-2018 Approving the Design Review Conditional Use Permit for Mountain Investments
File No. 205-111-040 - Case No. DR-CUP 18-02 **(ACTION)** 57
- 2) 2018/0522.05 - Adopt Resolution No. 126-2018 Approving Mountain Investments Cannabis Activity Conditional Use Permit for Temporary Cannabis Facilities Including Three (3) FlexMod C1D1 Manufacturing Units, Storage Units for Storage of Raw Cannabis Materials, Office Facility, and a Processing and Packaging Unit, Subject to Conditions of Approval File No. 205-111-010 – Case No. CCLUO-CUP 18-03 **(ACTION)** 88

H. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for
Tuesday, June 26, 2018 at 6:30 p.m.***

**RIO DELL PLANNING COMMISSION
MINUTES
APRIL 24, 2018**

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:30 p.m.

Present were Commissioners Angeloff, Kemp, Marks, Strahan, Woodall and Planning Commission Alternate Richter.

Others present were Community Development Director Caldwell and City Clerk Dunham

CONSENT CALENDAR

Approve Minutes of the March 27, 2018 Regular Meeting

Motion was made by Woodall/Strahan to approve the consent calendar including minutes of the March 27, 2018 regular meeting, and approval of Resolution No. PC 121-2018 *Formally Approving the Glenn White PMD, Inc. Modification – Case No. CUP 17-01*. Motion carried 4-0; with Commissioner Marks abstaining.

PUBLIC PRESENTATIONS

None

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Resolution No. PC-122-2018 Approving Design Review Conditional Use Permit for Rio Dell Holdings Subject to the Recommended Conditions of Approval – File No. 205-111-069, Case No. DR-CUP 18-01

Community Development Director Caldwell reviewed the staff report recommending approval of an application for a Design Review Conditional Use Permit for six (6) buildings, two 5,000 square foot greenhouses, a 10,000 square foot greenhouse and a 43,500 greenhouse nursery used to propagate clones and seedlings for use on and off-site. He noted that is Phase I of the project and staff is addressing the application based on the pending subdivision, which will be addressed under Phase II of the project.

He noted that staff believes that all the required findings can be made to approve the project. He said that one of the things that make this site unique is that the parcel contains a brownfield site and staff incorporated conditions related to remediation, which the Department of Toxic Substances Control (DTSC) is overseeing. He noted that the site is contaminated with pentachlorophenol, which is

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APRIL 24, 2018 MINUTES
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a wood preservative.

Staff continued with review of the proposed site plan, including landscaping and drainage and noted that with repair of existing on-site culverts and drainage ditches the development of the site will reduce stormwater runoff by 50 percent.

Community Development Director Caldwell noted that the design of the structures is consistent with the Wendt Project with the exception of the rock veneer on the front of the building, which the applicant will explain why it is not feasible.

Next was review of the conditions of approval.

Commissioner Woodall asked how the conditions would be policed and if all of the conditions would be met prior to issuance of the Certificate of Occupancy.

Community Development Director Caldwell explained that staff would be responsible for making sure the conditions are satisfied and with the exception of the operating conditions, all of the conditions would be met prior to sign off of the project.

Travis Schneider addressed the commission and began by commending staff for its efforts in moving the project forward in a timely manner. He said they haven't always agreed on everything but it has been a very pleasant process nevertheless. He noted that they have some minor things they would like to see changed in the design review conditions of the project. He said related to the proposed rock veneer on the front of the building, they would like to take another approach and plant trees instead of the rock veneer. He explained that the building is very large and the rock veneer is cost prohibitive.

Community Development Director agreed that trees would break up the linear element of the building.

Travis said the other issue is fencing. He noted that this particular parcel sits further off of Highway 101 frontage and has the buffer of Northwestern Avenue. He said the wrought iron fence is nearly double the cost of chain link fence and recommended they be allowed to install black vinyl coated chain link instead. He

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added that he is not strongly in favor of wrought iron in this environment so they would likely go with aluminum, which drives the cost up even more.

Commissioner Angeloff noted that the Commission was looking for consistency when making the wrought iron fence a condition of approval.

Community Development Director Caldwell pointed out that Wendt is actually installing partial chain link fencing.

Commissioner Angeloff opened a public hearing to receive public comment on the proposed Design Review Conditional Use Permit. There being no public comment, the public hearing closed.

The discussion came back to the commission for consideration of the two (2) proposed changes to the conditions of approval.

Commissioner Kemp noted that because of the location and size of the building, he thought it would look better to plant trees and scrubs as opposed to the wood veneer. Regarding the fence, he said he preferred black or brown vinyl coated chain link as opposed to galvanized.

Community Development Director Caldwell stated for clarification that the fence requirement would be addressed under the next agenda item.

Commissioner Woodall liked the idea of landscaping as opposed to the wood veneer on the front of the building.

Commissioner Marks noted that the Wendt Project is installing wrought iron fencing and said she was hesitant to approve the recommend chain link fencing.

Community Development Director Caldwell commented that should the Commission agree to eliminate the requirement to the rock veneer front they should make sure the landscaping breaks up the linear appearance of the building.

Travis Schneider suggested perhaps Maples but no Cypress or Bull Pine trees. He said they would want to make sure not to interfere with the leach field.

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Community Development Director Caldwell noted that staff would put the landscaping condition in writing.

Commissioner Woodall expressed concern that the trees should be mature, at least 6 foot in height.

Travis said he would be fine with the Commission placing a size requirement on the trees.

Consensus of the Commission was to require 15-gallon trees for landscaping in the front portion of the building with the elimination of the rock veneer façade.

Motion was made by Kemp/Woodall to approve PC 122-2018 *Approving the Design Review Conditional Use Permit for Rio Dell Holdings Subject to the Recommended Conditions of Approval as amended to eliminate the rock veneer façade in exchange for the number of trees (15 gal. minimum) as defined in the site plan.* Motion carried 5-0.

Approve Resolution No. PC 123-2018 Approving Rio Dell Holdings Conditional Use Permit for Cannabis Cultivation, Processing, Packaging, Volatile and Non-Volatile Manufacturing, Distribution and On-Site Nursery to Propagate, Clone and Seedlings File No. 205-111-069 – Case No. CUP-CCLUO-18-02

Community Development Director Caldwell provided a staff report and reviewed the request from Rio Dell Holdings for a Conditional Use Permit for cannabis related activities. He noted that the Plan of Operation addresses employees, traffic, security, waste management, odor control, product storage and the associated cannabis processes.

He said the applicant is proposing six (6) buildings ranging in size from 6,600 to 36,400 square feet for cannabis related activities, including 44,000 square feet of indoor cultivation, 20,000 square feet of greenhouse cultivation, processing, packaging, volatile and non-volatile manufacturing, distribution and an on-site 43,560 square foot nursery which will be used to propagate, clones and seedlings for use on and off-site. He said the only activity they will not have is a testing laboratory however; Glen White, PMD will have a laboratory as well as one other developer.

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He said one the concerns of the Commission was related to waste management for cultivation and manufacturing. He explained as far as the volatile extraction process with regard to waste, they will be using a closed loop extraction system designed to recover the solvents so there is very little waste that is not recycled, perhaps less than one (1) percent. He also noted that staff is recommending that for the indoor cultivation activities, in-floor drains are provided for accidental over-watering or spills. He said the floor drainage system would be tied to a holding tank to be both pumped and transported to an off-site municipal treatment facility or to be used for on-site irrigation purposes for the landscaped areas.

Commissioner Strahan referred to the Conditions of Approval No. 1 related to in-floor drains for accidental watering or spills and asked why the landscaping provision is included if it has to be transported off-site. He also asked how the fertilizer is sprayed and expressed concern with regard to accumulation of pesticides.

Community Development Director Caldwell noted that it is unlikely there will be a spill and since the site is down gradient, there are no concerns from Water Quality. He said again, the only concern with the site is with the Department of Toxic Substances Control (DTSC) related to the brownfield contamination. He also noted that the applicant is required to enroll in the County Hazardous Waste Program, which is regulated by Humboldt County Environmental Health, which includes inspection and enforcement.

Commissioner Woodall questioned the building being located within the flood zone.

Community Development Director Caldwell explained that all of the buildings except the greenhouses are required to be constructed one (1) foot above the flood elevation.

Commissioner Angeloff expressed concern about manufacturing of raw materials and barrels of solvents, hexane or other gases coming in.

Community Development Director Caldwell explained that chemicals used for the proposed volatile manufacturing systems will be N-butane, organic ethanol, isopropanol, N-hexane, pentane, ISO-butane,

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will not be having large amounts on hand. He noted that Eureka Oxygen would likely deliver products in 25-pound vessels.

Commissioner Kemp asked if it would be stored in a fireproof area. Staff responded that the storage of any hazardous materials or fuels would be stored and handled in compliance with applicable state and local laws and regulations, and in a way that no spillage occurs.

Staff further explained that the cannabis manufacturing processes are the same processes used in manufacturing cosmetics and processes used at Humboldt Creamery so the processes are not new or specific to the cannabis industry.

Commissioner Angeloff called for public comment on the proposed activities.

Travis Schneider addressed the Commission once again regarding the fence requirement and touched on the concerns regarding hazardous materials. He explained that the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA), regulates hazardous materials and wastes from agricultural businesses. He said that they are required to submit a Hazardous Materials Business Plan and are inspected regularly.

Community Development Director Caldwell noted that the State opened an office locally and will be conducting the required inspections.

Commissioner Kemp asked how often the inspections would be done.

Travis commented that they would perform annual inspections and other inspections at their discretion without prior notice. He pointed out that it adds a layer of protection between the state and the city.

Commissioner Kemp asked who would be doing inspections of the equipment.

Community Development Director Caldwell explained the extraction systems are built to codes of recognized and generally accepted sound engineering practices, such as the American Society of Mechanical Engineers (ASME); American National Institute (ANSI); Underwriters Laboratories (UL) or the American Society for

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will not be having large amounts on hand. He noted that Eureka Oxygen would likely deliver products in 25-pound vessels.

Commissioner Kemp asked if it would be stored in a fireproof area. Staff responded that the storage of any hazardous materials or fuels would be stored and handled in compliance with applicable state and local laws and regulations, and in a way that no spillage occurs.

Commissioner Angeloff stated that he would like to see tubular wrought iron fencing along the front and vinyl chain link around the rest of the perimeter of the proposed parcel.

Travis Schneider suggested a deviation from steel to aluminum fencing material with a wrought iron look.

Frank Wilson (Mayor) commended the applicant for putting together a good project.

Debra Garnes (Councilmember) agreed with the revision to the fencing requirement provided the chain link fence is not galvanized but rather vinyl coated.

There being no further public comment, the public hearing closed.

Commissioner Marks stated that she felt the fencing should be consistent throughout the developments at the Humboldt Rio Dell Business Park.

Motion was made by Woodall/Kemp to adopt Resolution No. PC 123-2018 *Approving the Conditional Use Permit for Rio Dell Holdings for Cannabis Cultivation, Processing, Packaging, Volatile and Non-Volatile Manufacturing, Distribution and On-Site Nursery to Propagate, Clones and Seedlings Subject to Conditions of Approval in Exhibit A as Revised*. Motion carried 4-1; Commissioner Marks dissenting.

STAFF COMMUNICATIONS

Community Development Director Caldwell announced the date for the next regular Planning Commission meeting on May 22, 2018 and said coming before the Commission would possibly be a 4-lot subdivision application from Rio Dell

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Holdings; an application for a Conditional Use Permit for Design Review from Humboldt Brand-FlexMod for various cannabis activities, and an application from Mountain West Investments for a Conditional Use Permit for Design Review of three (3) buildings for manufacturing, edible infusions, processing, packaging, distribution and testing laboratory.

Commissioner Angeloff stated for the record that there is now a generator vendor located in the Town of Scotia.

ADJOURNMENT

The meeting adjourned at 7:27 p.m. to the May 22, 2018 regular meeting.

Nick Angeloff, Chair

Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532




For Meeting of: May 22, 2018

☒ Consent Item; ☐ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: May 2, 2018

Subject: Wendt Construction Lot Line Adjustment. APN No's. 205-111-074 & -075; Case No. LLA 18-02;

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed lot line adjustment and merger;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Find that the proposed lot line adjustment is consistent with the Rio Dell General Plan, Zoning and Building regulations and is Categorically Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations
4. Adopt Resolution No. PC 124-2018 approving the proposed lot line adjustment

Background

A lot line adjustment between two parcels of 12.3 (-075) and 5.03 (-074). The lot line adjustment will adjust about 7,200 square feet from 205-111-075 to 205-111-074. The purpose of the lot line adjustment is to accommodate a septic system on 205-111-075. Both parcels are currently vacant. However, as the Planning Commission is aware, the Commission approved the Design Review CUP for 19,200 square foot building and a CUP for cannabis related activities, including cultivation, manufacturing, processing and distribution for GreenHeart

Enterprises. Wendt construction plans to relocate the proposed building to the top of the fill area, about 200 feet east of the original proposed site due to the base flood elevation in the area. Wendt also identified a proposed On-site Wastewater Treatment System (OWTS), a leachfield and reserve area near the original building site. Due to the proximity of the City wells and the groundwater gradient of the area, the Division of Drinking Water recommended denial of the proposed OWTS location. Wendt and Baird Engineering subsequently found an alternative location on the adjacent parcel. As such, a lot line adjustment is required in order to site the OWTS on the building parcel, APN 205-111-075. Attachment 1 includes the site plan illustrating the proposed lot line adjustment.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

The applicant has submitted evidence in support of making the required findings. Lot line adjustments *shall* be approved if the required findings can be made. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Section 17.35.030 Rio Dell Municipal Code (RDMC).

A lot line adjustment shall be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (1) The application is found to be complete; and
- (2) Either (a) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (b) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment; and
- (3) The proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with the General Plan, Zoning and Building ordinances.

Staff Analysis

1. Complete Application

The applicant has submitted the required application materials including the map/plot plan illustrating the proposed lot line adjustment, copies of the current deeds, creation documents

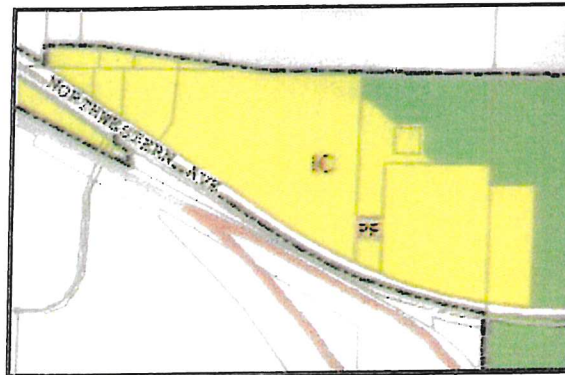
and copies of a Preliminary Title Report (PTR) for each of the parcels. It should be noted that the parcels were created by a previous lot line adjustment in 2016, Document No. 2016-024561.

2. Subdivision Map Act Compliance

The parcels were created in compliance with State and local regulations. As indicated above the existing parcels were created by lot line adjustment in 2016. A Notice of Lot Line Adjustment and Certificate of Subdivision Compliance was recorded, Document No. 2016-024561. A copy of the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance is included as Attachment 2.

3. General Plan, Zoning and Building Ordinance Consistency

The parcels are planned and zoned Industrial Commercial (IC) and a portion (the hillside) of APN 205-111-075 is designated Natural Resources (NR). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. The minimum parcel size is 20,000 square feet. The primary purpose of the Natural Resource zone is to provide natural resource protection. There is no minimum parcels size for the Natural Resource designation.



The proposed parcel sizes do comply with the requirements of both zones. A copy of the Industrial Commercial and Natural Resource development standards are included as Attachment 2.

The proposed lot line adjustment does not result in any nonconformity in regards to setbacks or lot coverage and does not require the relocation of any easements or utilities.

Based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations.

Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

4. California Environmental Quality Act (CEQA)

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Class 5, Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. This exemption applies to lot line adjustment with an average slope of less than 20% and does not result in any changes in land use or density.

Attachments:

Attachment 1: Map of Proposed Lot Line Adjustment.

Attachment 2: Notice of Lot Line Adjustment and Certificate of Subdivision Compliance.

Attachment 3: Development Standards for the Industrial Commercial and Natural Resource designations.

Attachment 4: Conditions of Approval.

Attachment 5: Resolution No. PC -124-2018

2016-024561

This instrument is not for the
benefit of the City of Rio Dell

Recording Requested by:
Wendt Construction

Return to:
Wendt Construction
1660 Newburg Avenue
Fortuna, CA. 95540

Recorded - Official Records
Humboldt County, California
Kelly E. Sanders, Recorder
Recorded by: WENDT CONSTRUCTION

Pages: 6

Recording Fee: \$ 41.00
Tax Fee: \$0.00
Clerk: lh Total: \$41.00
Dec 14, 2016 at 03:00:22

*** CONFORMED COPY ***

**NOTICE OF LOT LINE ADJUSTMENT
AND CERTIFICATE OF SUBDIVISION COMPLIANCE**

Assessor Parcel Number(s):
205-111-012

Number of Parcels:
2

NOTICE IS HEREBY GIVEN that the real properties described in the attached EXHIBIT A as Parcels One and Two are the result of a lot line adjustment in accordance with Section 66412(d) of the Government Code of the State of California, and any portions of prior parcels contained within said resultant parcel descriptions have been merged into the single parcels described herein as Parcels "I" and "J".

THIS NOTICE IS GIVEN by the person(s) whose name(s) is/are subscribed on pages 3 of this instrument as the owner(s) of record of the real properties described in the attached EXHIBIT A.

THIS CERTIFICATE relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto and no further compliance with the Subdivision Map Act is necessary. However, development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

THIS CERTIFICATE DOES NOT CERTIFY that the real property for which this notice has been given is suitable for development in accordance with existing or future regulations.

On this **December 14, 2016**, I hereby certify that the lot line adjustment for which this Notice is given has been executed with the approval of the City of Rio Dell and that the parcels or units of land resulting from the lot line adjustment complies with the provisions of the California Subdivision Map Act and City of Rio Dell Ordinances enacted pursuant thereto.

BY:



Kevin Caldwell, Community Development Director; City of Rio Dell

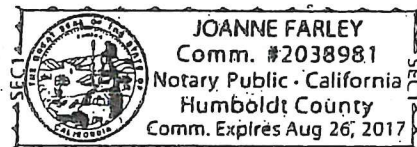
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Humboldt

On December 14, 2016 before me, Joanne Farley personally appeared Kevin Caldwell who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Joanne Farley

(Seal)

OWNER'S REPRESENTATION

We hereby represent that I am the owners of record of the real properties described in the attached EXHIBIT A and that I have consented to and executed the lot line adjustment for which we have given the notice herein.

Wendt Construction Co., Inc.

Dennis Wendt

Property Owner Signature: Dennis Wendt, President

12-14-16

Date:

Property Owner Signature:

Date:

SIGNATURES MUST BE NOTARIZED

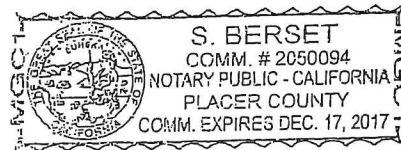
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Humboldt

On 12/14/16, before me, S. Berset, Notary Public,
personally appeared Dennis Wendt who proved to me on the basis of satisfactory
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and
that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature] (Seal)

EXHIBIT A
PROPERTY DESCRIPTION FOR RESULTANT PARCEL 'I'

All that real property situate in the City of Rio Dell, County of Humboldt, State of California, located in the Northeast Quarter of Section 36, Township 2 North, Range 1 West, Humboldt Meridian described as follows:

PARCEL ONE

BEGINNING on the Section line at a point North $0^{\circ} 37' 31''$ West, 309.83 feet of the Quarter Corner on the East line of said Section 36;

thence North $70^{\circ} 00' 00''$ West, 669.16 feet to point located North of the Northeast corner of the land deeded to the City of Rio Dell, recorded on December 30, 1969, in Book 1026, page 445, as Parcel 5, Humboldt County Official Records;


thence South, 37.28 feet to said Northeast corner;

thence continuing South along the East line of said City of Rio Dell parcel and the East line of the parcel conveyed by Rovai to Clark, recorded on July 18, 1962, in Book 695, page 510, Humboldt County Official Records, 328.46 feet to the Northerly line of a strip of land deeded to the Pacific Lumber Company by deed dated December 11, 1883 recorded in Book 12 of Deeds, page 453, Humboldt County Records, (now owned by Northwestern Pacific Railroad Company);

thence along said Northerly line, on a curve to the Left, from a tangent bearing South $68^{\circ} 30' 39''$ East, with a radius of 2847.00 feet, a delta of $13^{\circ} 11' 35''$ and a length of 655.55 feet to a point located on the East line of the Northeast Quarter of said Section 36;

thence along said line, North $0^{\circ} 37' 31''$ West, 305.00 feet to the Point of Beginning.

This Bearings in this description are based upon the Record of Survey recorded in Book 69 of Surveys, page 50, Humboldt County Records.


Wallace E. Wright, PLS 4851

Dated: 11-29-2016

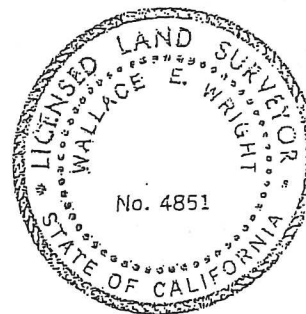


EXHIBIT A
PROPERTY DESCRIPTION FOR RESULTANT PARCEL 'J'

All that real property situate in the City of Rio Dell, County of Humboldt, State of California, located in the Northeast Quarter of Section 36, Township 2 North, Range 1 West, Humboldt Meridian described as follows:

PARCEL ONE

BEGINNING on the Section line at a point North 0° 37' 31" West, 795.96 feet of the Quarter Corner on the East line of said Section 36;

thence continuing North 0° 37' 31" West, 531.99 feet to the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 36;

thence along said North line, North 89° 46' 14" West, 512.57 feet to the Northeast corner of Resultant Parcel 'E', as described in the Notice of Lot Line Adjustment and Subdivision Compliance recorded on October 24, 2016, as Instrument No. 2016-020170, Humboldt County Records;

thence along the lines of said Parcel 'E' South, 504.12 feet;

thence West, 125.00 feet;

thence South, 5.00 feet;

thence North 71° 00' 00" West, 236.00 feet to the Southwest corner of said Resultant Parcel 'E' and also being a point on the East line of Resultant Parcel 'H' of said Instrument No. 2016-020170;

thence along the East line of said Resultant Parcel 'H', South 2° 00' 00" East, 132.17 feet to the North line of Resultant Parcel 'G' of said Instrument No. 2016-020170;

thence along said line South 72° 00' 00" East, 87.52 feet to the Northeast corner thereof;

thence along the East line of said Resultant Parcel 'G', South, 237.10 feet to the Northwest corner of that parcel conveyed by Julio J. Rovai to the Rio Dell Water System by deed recorded on November 25, 1953, in Book 271, page 388, Humboldt County Official Records;


thence along said North line and continuing along the North line of that parcel described in the deed to the City of Rio Dell, recorded on December 30, 1969, in Book 1026, page 445, as Parcel 5, Humboldt County Official Records, East, 155.16 feet to a point located 13 feet West of the West line of that land deeded by Connick to Cappi, recorded on March 1, 1941, in Book 249, page 107 of Deeds, Humboldt County Records;

thence North, 37.28 feet;

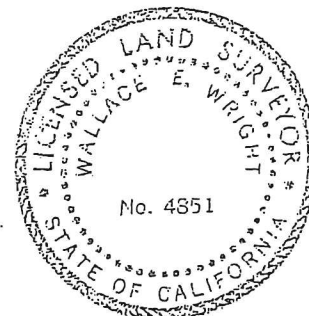
thence South 70° 00' 00" East, 669.16 feet to the East line of the Northeast Quarter of said Section 36;

thence along said East line, North 0° 37' 31" West, 486.13 feet to the Point of Beginning.

This Bearings in this description are based upon the Record of Survey recorded in Book 69 of Surveys, page 50, Humboldt County Records.


Wallace E. Wright, PLS 4851

Dated: 11-29-2016



Community Development Department
675 Wildwood Avenue
Rio Dell, CA 95562
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**Industrial Commercial Zone Development Standards
Section 17.20.120 Rio Dell Municipal Code**

17.20.110 Industrial Commercial or IC zone.

The purpose of the industrial commercial zone is to provide for industrial and commercial uses.

(1) Principal Permitted Uses, including, but not limited to:

(a) Industrial uses as described in the industrial land use designation and compatible commercial uses described in the community commercial land use designation;

(b) Public facility needs such as a wastewater treatment plant;

(c) Motor vehicle repair, maintenance and fueling; and

(d) Telecommunications facilities and manufacturing.

(2) Uses Permitted with a Use Permit.

(a) Lodging; and

(b) Child care.

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.110 for development standards for the IC zone.

Table 17.20.110 Development Standards in the
Industrial Commercial or IC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area	20,000 square feet
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Proportion of lot area: 1.5 on 20% and 0.35 on 80%
Minimum Lot Width:	Not applicable
Minimum Open Space	10%
Minimum Yard	
Front:	10 feet
Rear:	0 unless abutting residential, in which case 10 feet
Side:	0 unless abutting residential, in which case 10 feet.
Maximum Building Height:	4 stories or 65 feet

**Natural Resource Zone Development Standards
Section 17.20.120 Rio Dell Municipal Code**

17.20.120 Natural Resource or NR zone.

The primary purpose of the natural resource zone is to provide natural resource protection.

(1) Principal Permitted Uses.

- (a) Resource protection;
- (b) Public recreation where compatible with resource management and protection;
- (c) Management for fish and wildlife habitat; and
- (d) Wetland/watershed restoration.

(2) Uses Permitted with a Use Permit.

- (a) Timber production (with TPZ overlay zone);
- (b) Aggregate resources production;
- (c) Visitor-serving use; and
- (d) Renewable energy development.
- (e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.120 for development standards for the natural resource (NR) zone.

Table 17.20.120 Development Standards in the Natural Resource or NR Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	Not applicable
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Not applicable
Minimum Lot Width:	Not applicable
Minimum Open Space:	10%
Minimum Yard	
Front:	25 feet
Rear:	25 feet
Side:	10 feet
Maximum Building Height:	2 stories or 35 feet

**Wendt Construction Lot Line Adjustment
APN No's. 205-111-074 & -075; Case No. LLA 18-02**

Conditions of Approval

Approval of the Lot Line Adjustment is conditioned upon the following terms and requirements:

1. The instruments of record as approved by the Planning Department shall be recorded and the lot line adjustment shall be completed within thirty-six (36) months of approval of the lot line adjustment.

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the City Council.

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed.

2. A Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Planning Department for review prior to recordation:

(a) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment.

(b) A Lot Book Guarantee or Preliminary Title Report current within 6 months or other evidence satisfactory to the Planning Department regarding ownership of parcels.

(c) Completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" forms (these are available from the Planning Department).

3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) must be submitted for review and approval to the Planning Department.

4. Pursuant to Section 8762 of the Business and Professions Code a Record of Survey monumenting the corners of the new property line(s) may be required. The City Engineer shall not require the Record of Survey if in his opinion any one of the following findings can be made:

(a) The new boundary line(s) are already adequately monumented of record.

(b) The new boundary line(s) can be accurately described from Government Subdivision Sections or aliquot parts thereof.

(c) The new boundary line(s) can be accurately described and located from existing monuments of record.

(d) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line.

5. The applicants shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the lot line adjustment have been paid in full if payable, or secured if not payable to the satisfaction of the County Tax Collector's Office, and all special assessments on the parcels must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to submitting the required conditions of approval.

Informational Note:

1. Approval of the Lot line Adjustment does not guarantee that the parcels are suitable for development in accordance with existing and future regulations.

RESOLUTION NO. PC 124-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE WENDT CONSTRUCTION LOT LINE ADJUSTMENT**

WHEREAS the applicants are proposing a lot line adjustment between two parcels, APN's 205-111-074 and 205-111-075 of 12.3 (-075) and 5.03 (-074); and

WHEREAS the lot line adjustment will adjust about 7,200 square feet from 205-111-075 to 205-111-074; and

WHEREAS the purpose of the lot line adjustment is to accommodate a septic system on 205-111-075; and

WHEREAS both parcels are currently vacant. However, as the Planning Commission is aware, the Commission approved the Design Review CUP for 19,200 square foot building and a CUP for cannabis related activities, including cultivation, manufacturing, processing and distribution for GreenHeart Enterprises; and

WHEREAS the parcels are planned and zoned Industrial Commercial (IC) and a portion (the hillside) of APN 205-111-075 is designated Natural Resources (NR); and

WHEREAS the resulting parcels comply with the requirements of the applicable zones; and

WHEREAS based on a review of the Preliminary Title Report, current deeds and creation deeds, staff has determined that the two parcels are legal, separate parcels created in compliance with the Subdivision Map Act and local regulations; and

WHEREAS the proposed lot line adjustment does not result in any nonconformity in regards to setbacks or lot coverage and does not require the relocation of any easements or utilities; and

WHEREAS the applicant has submitted evidence in support of making the required findings and

WHEREAS the City has reviewed the submitted application and evidence and has referred the project to various agencies for review, comments and recommendations; and

WHEREAS based on comments from referral agencies, information submitted by the applicant and the recommended conditions of approval, the evidence supports the finding that the proposed lot line adjustment is in conformance with all applicable policies of the Zoning Regulations, General Plan and Building Regulations; and

WHEREAS the area being adjusted has an average slope of less than 20%; and

WHEREAS staff has determined that the project is Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

WHEREAS pursuant to Section 15305 of the CEQA Guidelines this exemption applies to lot line adjustments with an average slope of less than 20% and does not result in any changes in land use or density.

NOW, THEREFORE, BE IT RESOLVED the City finds that based on evidence on file and presented in the staff report that the proposed lot line adjustment complies with all of the following required findings:

1. That the proposed lot line adjustment application was found to be complete; and
2. That the parcels involved in the lot line adjustment were created in compliance with the Subdivision Map Act;
3. That the proposed lot line adjustment neither causes non-conformance nor increases the severity of pre-existing nonconformities with the General Plan, Zoning and Building ordinances; and
4. That the proposed lot line adjustment Statutorily Exempt pursuant to Section 15305 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the proposed lot line adjustment subject to the recommended conditions of approval.

APPROVED AND ADOPTED by the Planning Commission of the City of Rio Dell at their meeting of May 22, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 124-2018 adopted by the Planning Commission of the City of Rio Dell on May 22, 2018.

Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 22, 2018

☒ Consent Item; ☐ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: May 16, 2018

Subject: Rio Dell Holdings Subdivision
File No. 205-111-069; Case No. PMS 18-01

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed subdivision;
2. Open the public hearing, receive public input and deliberate;
3. Close the public hearing;
4. Find that the proposed subdivision: (1) is consistent with the Rio Dell General Plan; (2) complies with the requirements and standards of the City's zoning regulations; (3) complies with the requirements and standards of the City's subdivision regulations; (4) is physically suitable for the type of development; and (5) is Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations

Summary

The applicant is proposing a minor subdivision of a 15+/- acre parcel into four (4) parcels of

1.48, 1.50, 2.80, 2.86 and a Reminder of 6.41 acres. The parcels will be dependent on on-site septic systems and community water. A copy of the Tentative Map is included as **Attachment 1**. Most if not all the recommended conditions of approval of the proposed subdivision were imposed as conditions to the Design Review project that was recently approved by the Commission.

As the Commission is aware, the subject parcel contains a brownfield site. The Department of Toxic Substances Control (DTSC) is overseeing the remediation of the site. Soil and groundwater at the site is contaminated with pentachlorophenol, a wood preservative.

DTSC has requested that the City impose the following conditions to the approval of developing the site.

1. Removal of all soil piles generated during the 2011 implementation of the Interim Removal Action;
2. Sign a Consent Order with the DTSC for the remediation of soil and groundwater originating within APN 205-111-069;
3. Monitor groundwater in accordance with the North Coast Regional Water Quality Board's (RWQCB's) Monitoring and Reporting Program No. R1-2013-0073 dated November 12, 2013, or updates to the monitoring program approved by the RWQCB and DTSC.
4. Submit a draft Removal Action Workplan addressing soil and groundwater contamination originating within APN 205-111-069.

Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Based on a site inspection, the nature of the proposed project, comments from referral agencies, staff believes the project will not result in a significant impact on the environment.

The applicant has submitted evidence in support of making the required findings. Therefore staff recommends that the Planning Commission approve the project as conditioned.

Required Findings

Pursuant to Section 66474 of the Subdivision Map Act and Title 16 of the Rio Dell Municipal Code (RDMC) in order approve this project the Planning Commission must determine that the applicant has submitted evidence in support of making all of the following required findings:

1. That the proposed subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and

2. That the proposed subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the proposed subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the proposed subdivision is physically suitable for the type of development; and
5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff Analysis

1. General Plan Consistency:

The General Plan designation for the project site is Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. As the Commission is aware the Commission recently approved the Design Review of six (6) commercial buildings and a related Conditional Use Permit (CUP) for various commercial cannabis activities including cultivation, manufacturing, processing and distribution.

The Industrial Commercial designation requires a minimum parcel size of 20,000 square feet. Pursuant to the North Coast Regional Water Quality Control Board's adopted Basin Plan, because the site is dependent upon on-site wastewater treatment systems (septic tanks and leach fields), a minimum of one (1) acre parcels are required. The parcels meet the required minimum parcel size of one (1) acre.

There are a number of General Plan goals and policies related to the proposed subdivision. The following information identifies the evidence which supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

GP Policy Natural Environment G2.1-3; "Preserve drainage channels, habitat and open space."

There are a couple drainage channels/ditches on the parcels. There really is no habitat associated with the on-site drainage channels/ditches. Staff is recommending that the drainage channels be maintained and cleaned-out as a condition of approval. In fact this is the same condition was applied to the Design Review approval. The proposed subdivision will not adversely affect existing drainage channels or riparian habitat or open space.

GP Goal Natural Environment G2.1-5; "Regulate clearing and development of steep slopes, river, stream and drainage channels."

The proposed subdivision will not require the clearing and development of steep slopes, river, stream or drainage channels.

GP Goal Natural Environment G2.1-9; "Minimize loss of life and property from natural and man-made hazards."

The parcel is located within the 100 year flood zone according to FEMA's Flood Insurance Rate Map (FIRM), Panel No. 1240 of 2015.

Section 17.30.140 of the RDMC requires that if a proposed building site is located in a flood zone, any proposed new construction or substantial improvement, including manufactured and mobile homes, must:

- (a) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structures;
- (b) Use construction materials and utility equipment that are resistant to flood damage; and
- (c) Use construction methods and practices that will minimize flood damage.

In addition, to our local regulations, the project is also subject to FEMA's flood regulations (Title 44 Code of Federal Regulations, Section 61.7 and 61.8) which require that the first floor of the structure be located one foot above the Base Flood Elevation (BFE). As such a Flood Elevation Certificate is required, this identifies among other site features, the BFE and the elevation of the floor of the buildings. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

GP Policy Soils & Geologic Resources P2.1.1-4; "Require geo-technical reports to ensure that slope and stability measures are incorporated into project design."

The applicant has submitted a R-2 Soils/Geologic report that has recommended a fifty (50) foot setback from the toe of the slope on the north end of the site. A copy of the R-2 Report is included as Attachment 2. Compliance with the recommendations has been included as a condition of approval. **Please refer to Exhibit A.**

GP Policy Aesthetics P2.2.5-2; "Encourage street trees and landscaping in new developments."

As the Commission is aware as part of the Design Review application, the applicant proposed and Commission conditioned the project to include street trees and other landscaping elements.

GP Policy Water Resources P2.1.2-3; Incorporate on-site drainage facilities such as retention and infiltration systems to reduce run-off and maximize infiltration.

In addition to the above General Plan Policy, the City's Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. It is the City's policy that there is no net increase in stormwater runoff during a 25 year storm event as a result of a project. The site plan does identify two Low Impact Development (LID) areas on-site. Staff referred the Drainage/Hydraulics Analysis to the City Engineer (GHD) for their review and approval. According to the City Engineer, the applicant's are planning on reducing the overall runoff by using infiltration trenches on site and reducing the impermeable area. This is important for all the development projects in the area to take this approach because the area drainage is problematic to begin with and the area cannot tolerate any increase in runoff. Based on their analysis approach the amount of runoff is projected to decrease by about 50% for the design event. Submittal of final Improvement Plans shall be consistent with the Drainage/Hydraulics Analysis. The project has been conditioned accordingly. **Please refer to Exhibit A.**

GP Policy Public Services P2.2.3-2; "Cooperate with the Rio Dell Fire Protection District to ensure that emergency services are adequate."

As the Commission is aware the Humboldt Rio Dell Business Park is actually within the boundaries of the Fortuna Fire Protection District. The project was referred to the District and the Rio Dell Volunteer Fire Department for comments and recommendations. The District made recommendations regarding hydrant locations, turning radiuses and roadway/travelway widths as part of the Design Review approval. The Tentative Map does identify the roadway and turnaround easements. Staff is recommending that the improvement plans identify the proposed location of the fire hydrants and emergency vehicle turning areas. The project has been conditioned accordingly. **Please refer to Exhibit A.**

GP Policy Public Services P2.2.3-4; "Encourage new development to contribute its fair share of infrastructure improvements to serve the proposed development."

The applicants will be required to install an eight (8) inch water main from Northwestern Avenue to each of the proposed parcels. The project has been conditioned accordingly. **Please refer to Exhibit A.**

In addition to the above Policy, Section 17.30.310 et. seq. of the Zoning Regulations requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. This is also consistent with a number of Goals and Policies of the Circulations Element, including Policies 3-1 and 3-2, requiring pedestrian and bicycle improvements. Furthermore these regulations and policies are consistent with AB 1328,

Complete the Streets legislation and the United States Department of Transportation Policy Statement on bicycle and pedestrian improvements. The project has been conditioned to require curb, gutter, sidewalks and bicycle lane along the frontage of the site. In addition, curbs, gutters, a six (6) foot landscaping strip and an eight (8) foot asphalt concrete pedestrian is proposed for the interior access road. The street cross-section is included as **Attachment 3**. The required improvements shall be identified on the required Improvement Plans. The project has been conditioned accordingly. **Please refer to Exhibit A.**

General Plan Policy Public Services P2.2.3-4; Require underground utilities for new development.

The project has been conditioned accordingly. **Please refer to Exhibit A.**

Based on comments from referral agencies and information submitted by the applicant, the evidence supports the finding that the proposed subdivision is in conformance with all applicable policies of the General Plan.

2. Zoning Consistency:

The property is zoned Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. The Industrial Commercial designation zone requires a minimum parcel size of 20,000 square feet. Pursuant to the North Coast Regional Water Quality Control Board's adopted Basin Plan, because the site is dependent upon on-site wastewater treatment systems (septic tanks and leach fields), a minimum of one (1) acre parcels are required. The parcels meet the required minimum parcel size of one (1) acre.

Section 17.30.310 et. seq. requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. As previously indicated the General Plan contains similar policies which were addressed under the General Plan consistency findings. Again, the project has been conditioned accordingly.

All other zoning regulations, including setbacks, building height, parking landscaping and Design Review were addressed in the Design Review and cannabis activity Conditional Use Permits.

Based on the proposed subdivision, the proposed project complies with the requirements of the City's Zoning Regulations.

3. Subdivision Regulations Consistency:

The City's Subdivision Regulations, Title 16 of the Rio Dell Municipal Code (RDMC) and the City's Standard Improvement Specifications identifies the requirements for subdivisions.

Section 16.05.030 of the RDMC requires General Plan and Zoning compliance. As previously discussed the project as conditioned is consistent the General Plan polices and the City's zoning regulations.

Section 16.05.040 identifies the Tentative Map requirements identify the required information on the map. The submitted Tentative Map for the proposed subdivision complies with the requirements of Section 16.10.040 of the RDMC.

Section 16.10.050 identifies the required application submittal requirements, which includes the Soils Report, Drainage Report and Title Reports. The required information was submitted.

Section 16.25.020 identifies the required improvements for subdivision projects. These improvements include curbs, gutters, sidewalks, streets, drainage, sewer and water, utilities, street lights and fire hydrants. The project has been conditioned to require Improvement Plans that identify the required improvements.

Section 16.10.120 et. seq. of the City's Subdivision Regulations identifies the mapping requirements. The subdivision is considered a minor subdivision, four parcels and a "Remainder". The "Remainder" is not a parcel for map purposes pursuant to Section 66424.6(a)(1) of the Subdivision Map Act. A "Remainder" parcel is not for the purpose of sale, lease or financing pursuant to Section 66424.6(a). However, the "Remainder" may be subsequently sold without any further requirement of the filing of a Parcel Map of Final Map (§ 66424.6(d)).

Based on the proposed improvements and recommended conditions of approval, staff believes the proposed subdivision is consistent with the City Subdivision Ordinance and the City's Standard Improvement Specifications.

4. That the proposed subdivision is physically suitable for the type of development:

Based on the Soils Report and recommended conditions of approval, staff believes the proposed lots are suitable for uses allowed in the Industrial Commercial zone.

5. The proposed subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat.

Based on the proposed project, staff has determined that the project is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15315 of the CEQA Guidelines this exemption applies to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local

standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Attachments:

Attachment 1: Tentative Map

Attachment 2: Soils Report

Attachment 3: Street Cross-Section

Attachment 4: Conditions of Approval

Attachment 5: Resolution No. PC 127-2018

R2 Soils Report

Former Eel River Saw Mill Site Development
Martino Entitlements

853 Northwestern Avenue, Rio Dell, California
Assessor's Parcel Number 205-111-069

May 11, 2017

Prepared for:
Michael Martino

LACO Project No. 8539.01

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R2 Soils Report

Former Eel River Saw Mill Site Development
Martino Entitlements

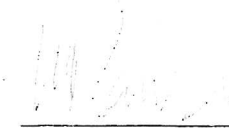
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Assessor's Parcel Number 205-111-069

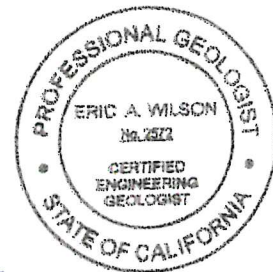
May 11, 2017

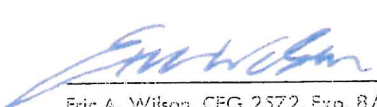
Prepared for:
Michael Martino

LACO Project No. 8539.01




J. Erich Rauber, PE, GE 2887, Exp. 9/30/2017




Eric A. Wilson, CEG 2572, Exp. 8/31/2017

LACO

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Figure 1	Site Vicinity Map
Figure 2	Site Plan
Figure 3	Vicinity Geologic Map

Appendix 1

ASFE Brochure

Appendix 2

Boring Logs

Appendix 3

Laboratory Test Results

1.0 INTRODUCTION

This report presents the results of a Geotechnical Exploration conducted by LACO Associates (LACO) to support the preparation of a Development Feasibility Analysis (DFA) for the proposed construction of a commercial cannabis cultivation facility on the former Eel River Sawmill Site, Assessor's Parcel Number 205-111-069 located north of the intersection of Metropolitan Heights Road and Northwestern Avenue, in Rio Dell (hereafter Site, see Figure 1 – Site Vicinity Map).

The project consists of the redevelopment of the approximately 40 acre, former mill site as a cannabis processing facility, including the construction of 5 new facility buildings and associated Site improvements. The layout of the Site improvements and the location and design of the buildings have yet to be determined. Additional Site improvements many include concrete and asphalt pavement, walkways, and utility trenching and installation (see Figure 2 – Site Plan).

A brochure prepared by Association of Firms Practicing in the Geosciences (ASFE) has been included in Appendix 1. We recommend that all individuals reading this report also read this brochure.

1.1 Scope of Services

As described in our Service Agreement dated November 8, 2016, LACO performed the following tasks:

- Reviewed publicly available geotechnical and/or geologic reports, maps, and other relevant data and information regarding the Site and vicinity;
- Performed a reconnaissance of the project Site to observe and map surface topographic and geologic conditions pertinent to the project and subsurface exploration planning;
- Explored subsurface conditions at the project Site by advancing a series of geotechnical borings;
- Performed laboratory testing on selected soil samples;
- Performed geologic and engineering evaluations to develop conclusions and recommendations regarding geologic hazards affecting the proposed improvements, and geotechnical design criteria; and
- Prepared this report documenting the results of our services.

2.0 FIELD EXPLORATION AND LABORATORY TESTING

2.1 Field Exploration Program

An engineering geologic site reconnaissance was performed on November 29, 2016. Our subsurface exploration was performed on December 14, 2016, and was limited to excavating, sampling, and logging of five exploratory borings at the locations shown on Figure 2. Under the direction of LACO representatives, the borings were advanced to a depth of up to 30 feet using a GeoProbe 6600 rig, operated by Fisch Drilling, and equipped with 7.25-inch diameter hollow-stem augers. Our engineering geologist logged the borings and obtained samples of the materials encountered. The logs of borings are presented in Appendix 2 as Figures B-1 through B-5. A Key to Boring Logs is presented in Figure B-6. Soils were logged in general accordance with the American Society for Testing and Materials (ASTM) Test Procedure D2488 Visual-

Manual Procedures. Soil samples were collected with split-spoon samplers that were driven with a 140-pound auto-trip hammer repeatedly dropped from a height of 30 inches. The samplers included a 2-inch outside diameter (OD) Standard Penetration Test (SPT) sampler, as well as the 3-inch OD Modified California sampler. The sampler types used are indicated on the logs. The number of hammer blows required to drive the samplers was recorded for each 6-inch increment, and the sum of the second and third 6-inch increments is recorded on the logs. The blow count data presented on the logs has not been corrected for sampler type or hammer efficiency. Boring locations were approximately determined using a Garmin, Hand Held GPS unit and should be considered accurate to within ± 10 feet. The borings were backfilled at the time of drilling using a combination of cuttings, bentonite chips, and lean cement grout.

2.2 Laboratory Testing

Select soil samples collected during the field exploration were submitted to LACO's materials testing laboratory. The laboratory tests conducted included the following:

- In-Place Density and Moisture Content (ASTM D2216 and D2937);
- Percent Finer than #200 Sieve (ASTM C-117);
- Direct Shear (ASTM D3080); and
- Atterberg Limits (ASTM D4318).

Laboratory test results are included as Appendix 3 and are summarized in Table 1 below.

Table 1. Summary of Laboratory Test Results

Boring	Depth (feet bgs)	Unified Soil Classification System Soil Type	ASTM D1140	ASTM D2216/2937		ASTM D4318		ASTM D3080	
			Fines Content (% finer than No. 200 sieve)	Dry Density (pounds per cubic foot)	Moisture Content (%)	Plasticity Index (%)	Liquid Limit (%)	Direct Shear C (psf)	Phi (degrees)
B-1	13.5-15	ML				11.1	36.7		
B-1	19.5-20	ML	96	94.6	32				
B-2	9.5-10	SM	48	88.9	32.5				
B-2	18.5-20	ML	96						
B-4	8.5-10	ML	86			5.3	31.0		
B-5	4-4.5	ML						380	27.8
B-5	13.5-15	ML	63						

LACO will archive the soil samples collected for this project for 60 days following the issuance of this report. Unless directed otherwise by the Client, the samples will be discarded after the 60 day archive period.

3.0 SITE AND SUBSURFACE CONDITIONS

3.1 Topography and Site Conditions

The subject property is a roughly triangular, approximately 40-acre, lot extending from the north side of Northwestern Avenue adjacent to the intersection with Metropolitan Heights Road, in Rio Dell, California. The former mill site is located on a relatively flat section of uplifted alluvial terrace between the Eel River channel to the south and a moderately steep bedrock slope to the north. The property is currently used as an industrial park with a single, approximately 24,000 square foot warehouse building located adjacent to Northwestern Avenue, and an administrative office located adjacent to the slope to the north. Prior to 2008, the property was occupied by an active saw mill facility including an extensive facility building complex, paved work areas, wood stockpiles, and a mill pond. All but the remaining two saw mill buildings were demolished, leaving the concrete foundations in place. Much of the rest of the Site is covered with asphaltic concrete pavement. Based on a review of historic aerial photographs, the mill pond was filled-in and the area paved over between 1974 and 1998.

The Site slopes gently from southeast to northwest from a high point of approximately 96 feet at the southeastern corner of the property, to a low point of approximately 83 feet adjacent to the intersection of Northwestern Avenue and Metropolitan Heights Road. An approximately 0.5:1 (horizontal to vertical) sandstone bedrock cliff of up to 80 feet in height borders the northern edge of the Site. This cliff forms the southern edge of a west trending bedrock, spur-ridge extending into the alluvial valley between the Eel and Van Duzen Rivers. The cliff appears to have been eroded to near vertical by past river channel configurations. The cliff appears to be performing relatively well, with only minor, localized signs of recent failure in the form of topping of near vertical sheets. Adjacent to the northeastern corner of the Site this cliff is dissected by a north trending gulch, the drainage from which has been directed into a man-made channel, extending west along the northern edge of the Site. This channel is formed by a fill berm which drops in height from approximately 12 feet at its eastern end to approximately 5 feet at its western end, where it drains into a south trending drainage ditch, extending along the western border of the Site. The berm has been constructed using silty soils in a soft, poorly engineered condition with slopes of approximately 2:1.

As indicated previously, much of the Site is covered by impermeable hardscape in the form of asphaltic concrete and concrete foundation slabs. Drainage is by sheet flow off these surfaces into a network of drainage ditches and storm drains which drain south and west into a drainage ditch adjacent to the north side of Northwestern Avenue. Relic foundations near the center of the Site are stepped down into a low point, which at the time of the investigation formed an approximately 30 foot wide by 150 foot long pond. Vegetation across the Site is restricted to grass, brush, and immature alders growing from the edges of berms, ditches, and soil stockpiles.

3.2 Geologic Setting

The project Site is located on the edge of the Eel River flood plain where it abuts a west trending, bedrock spur-ridge and extends into the plane separating the Van Duzen and Eel River Valleys. The project area forms part of the Coast Ranges Geomorphic Province of Northern California (California Geologic Survey, CGS, 2002). According to published geologic maps (Ogle, 1953; CDMG, 1982; McLaughlin et al, 2000), the Site is underlain by Holocene-Pleistocene aged river terrace deposits (Q). These deposits are described as

unconsolidated, poorly sorted, friable pebbly sands and sandy pebble to boulder conglomerates with minor silt interbeds. The ridge to the north of the Site is mapped as underlain by sediments of the Miocene to Late Pleistocene Wildcat Group, including the Carlotta Formation (Qc), and Scotia Bluffs sandstone (QTsb). These bedrock units are inferred to unconformably underlay the Site at depth. The Carlotta Formation is described as gently folded, partially indurated, non-marine conglomerate, sandstone, and claystone, with occasional volcanic ash. The Scotia Bluffs Sandstone is described as folded, very compact, massive, fine-grained, shallow marine sandstone with minor amounts of siltstone and mudstone. A relevant portion of the geologic map is presented as Figure 3 - Regional Geologic Map.

3.3 Seismicity

The Site is located in a seismically active region where large earthquakes may be expected to occur during the economic life span (50 years) of the planned improvements. The seismicity of the area is dominated by the presence of the Cascadia subduction zone (CSZ) wherein oceanic crust of the Juan de Fuca/Gorda plate is being actively subducted beneath the leading edge of the North American plate. Plate convergence along the Gorda segment of the CSZ is occurring at a rate of about 30 to 40 millimeters per year (mm/yr) (Heaton & Kanamori, 1984). Petersen reports a convergence rate of 35 mm/yr for the entire segment of the CSZ (Petersen et al., 1996). Upper plate crustal deformation associated with the subduction of the Gorda plate is expressed as a 90-kilometer (km) wide fold and thrust belt that comprises the accretionary complex along the North American plate margin (Carver, 1987).

Convergence within the accretionary complex is accommodated by growth of the fold and thrust belt (Carver and McCalpin, 1996). Northwest-striking thrust faults, northeast-dipping thrust faults, and fault-related folds form imbricate thrust fans that merge into sole thrusts that extend into or near the interface between the Gorda and North American plates (Clarke, 1992). Where the fold and thrust belt extends on-land between Cape Mendocino and Big Lagoon, a cumulative slip of greater than 15 kilometers (km) has been estimated from measured vertical separations of lower Pleistocene sediments across faults (Kelsey and Carver, 1988). Coupled with displacements of upper Pleistocene marine terraces, these relations indicate the fold and thrust belt is accommodating at least 20 mm/yr of northeast-southwest horizontal contraction (Clarke and Carver, 1992). The apparent youthfulness of these structures indicates the subduction zone is strongly coupled and compressive deformation within the North American plate margin is active (Clarke and Carver, 1992).

The closest active fault is a trace of the Bald Mountain–Big Lagoon fault zone, located approximately 7.1 miles southwest of the Site. The Cascadia megathrust is approximately 54 miles west of the Site (California Division of Mines and Geology, CDMG, 2000). The Site is not in a "Fault Rupture Hazard Zone" (Bryant and Hart, 2007), or within an area currently designated as a "Seismic Hazard Zone" by the State of California.

4.0 SUBSURFACE CONDITIONS

4.1 Site Soils

Overall, soils encountered during our subsurface exploration were consistent with those anticipated based on our review of published geologic maps of the area and previous exploratory excavations performed as part of previous investigations at the Site (Winzler & Kelly, 2010). In general, the exploratory borings

encountered a surficial layer of fill overlying unconsolidated alluvial terrace deposits, which in turn overly partially consolidated alluvial channel deposits which persist to the depth explored of 30 feet below ground surface (bgs). Each of the borings encountered a pavement section consisting of 2-3 inches of asphaltic concrete over 6- 16 inches of aggregate base-rock. LACO Borings B-1 and B-3, as well as Winzler & Kelly Borings B-202, B-203, and B-204 (located within the footprint of the historic log pond) encountered between 9 and 14 feet of granular fill consisting predominantly of medium dense, well graded gravel with sand (GW). We interpreted this material as backfill used in destroying the pond. Borings B-4 and B-205 encountered additional areas of fill up to 5 feet in depth, presumably associated with other Site activities. Below this surficial layer of fill each of the borings encountered alluvial terrace deposits consisting predominantly of loose Silty and Poorly Graded Sands (SM, SP), and soft Silts and Sandy Silts (ML). At a depth of between 17.5 and 27 feet bgs, each of the borings encountered alluvial channel deposits consisting predominantly of medium dense to very dense gravels and sands (GW, GP, SW) which persist to the depth explored of 30 feet for LACO and 45 feet bgs for Winzler & Kelly.

4.2 Groundwater Conditions

Groundwater was encountered at the time of drilling in borings B-1 and B-3 at a depth of between 4 and 7 feet bgs. No groundwater was encountered in the remaining borings to the depth explored of 30 feet bgs. Borings B-1 and B-3 are located within the footprint of the mill pond and encountered up to 13 feet of well graded gravel and sand used to backfill this structure. In our opinion, groundwater encountered in these borings represents perched water contained within the filled pond.

A series of monitoring wells were installed as part of previous environmental investigations of the Site. These wells were monitored between 2002 and 2006 and the results presented in a 2010 report by Winzler & Kelly (Winzler & Kelly, 2010). Groundwater within the three monitoring wells, MW-1, MW-2, and MW-3, located at the eastern edge of the Site, encountered groundwater at depths ranging from 41 to 28 feet.

5.0 GEOLOGIC HAZARD ASSESSMENT

Potential geologic and soil hazards assessed for the project Site include seismic ground shaking, surface fault rupture, liquefaction and related phenomena, settlement, slope instability, high groundwater, flooding, tsunami, and swelling or shrinking soils. The assessments for these potential hazards are presented below.

5.1 Seismology and Seismic Ground Motions

As noted in Section 3.3, the Site is in a seismically active area proximal to multiple seismic sources capable of generating moderate to large ground motions. Given the proximity of the proposed structures to active seismic sources (Cascadia Subduction Zone, Little Salmon fault and other active faults), there is a high probability that the Site will experience strong ground shaking during the economic life span of the proposed development. The spectral response accelerations for seismic analysis and design of the proposed structure, as prescribed by the 2016 CBC and ASCE 7-10, is presented in Section 7.3

5.2 Co-Seismic Ground Deformation

5.2.1 Surface Fault Rupture

The Site is not located within an Alquist-Priolo earthquake fault zone and, as such, does not require a trench-based fault rupture hazard evaluation (CDMG, 1983). Based on the distance between the Site and the closest active fault, the potential for surface fault rupture to occur within the Site is low.

5.2.2 Liquefaction

A state of soil liquefaction occurs when, as a result of cyclic fluctuations in pore fluid pressure, sediment grains lose contact with one another, causing a momentary loss of effective stress and consequently of shear strength. Liquefaction is most commonly initiated by earthquake ground motions. Soils in a saturated, loose state and less than approximately 50 feet bgs are the most susceptible to liquefaction. Liquefaction is more likely to occur in sandy or non-plastic silty soils but may, in rare cases, occur in loose gravels and sensitive clays. Deposits most susceptible to liquefaction are young (Holocene-age, deposited within the last 11,000 years) sands and silts of similar grain size (well-sorted), in beds at least a meter in thickness and saturated with water. Based on published mapping of liquefaction potential conducted as part of the Humboldt and Del Norte County planning scenario for a great earthquake on the Cascadia Subduction Zone (CDMG, 1995), the Site is not located in an area considered to be susceptible to liquefaction.

As discussed in Sections 4.1 and 4.2 above, groundwater was encountered onsite at historic depths of between 28 and 41 feet. Soils encountered below the highest anticipated groundwater elevation consisted of dense sands and gravels not considered to be susceptible to liquefaction. Potentially liquefiable, unconsolidated alluvial terrace deposits were encountered only above this highest anticipated groundwater elevation. Perched shallow groundwater was encountered within the historic mill pond footprint. This water saturates gravelly fill to dense and hydraulically conductive to liquefy.

Based on the published hazard mapping for the area and supported by subsurface data from this current exploration and previous subsurface explorations, the Site has a low risk of liquefaction induced ground deformation.

5.3 Settlement

Static settlement is the result of compressive deformation of soil beneath an applied load. The compressive deformation generally results from a reduction in voids within the soil. In dry or granular soils, the compression of the soil occurs relatively rapidly. Conversely, the compressive deformation in soft, saturated, fine-grain soils usually occurs very slowly.

As of the date of this report, information about the proposed foundation loads were not available. However, based on our understanding of the proposed structures and conservative assumptions about typical loads, total building foundation settlement is estimated to be on the order of 0.1 inches for foundations bearing on the granular backfill within the former pond, and 0.5 inches for buildings bearing on native soils. These estimates are based on assumptions about the design and construction and should be considered only approximations.

5.4 Slope Instability/Landsliding

Given the relatively flat, natural slopes on and in the vicinity of much of the Site, we consider the potential for conventional (non-liquefaction induced lateral spreading) slope instability to adversely affect most of the proposed improvements to be negligible. Based on our observations, the near vertical sandstone cliffs along the northern edge of the Site appear to be relatively stable under static conditions. However, given the relatively high ground accelerations expected at the Site during a design level earthquake, in our opinion the probability of some kind of failure of this cliff during a seismic event is high.

5.5 Flooding

According to FEMA Flood Insurance Rate Maps, Map Number 06023C1240F and 06023C1220F, effective November 4, 2016, the Site is located within a special flood hazard area (SFHA) subject to inundation by the one percent annual chance flood (FEMA, 1986). The alignment passes through a series of Zone AE segments (defined as having a determined base flood elevation). The base flood elevations vary from approximately 87 feet at the western edge of the Site to approximately 89 feet at the eastern edge of the eastern parcel.

On the basis of this FEMA flood hazard mapping and considering the Site elevation, the risk of flooding to impact the study area during a 100-year flood event is relatively high, and the depth of flood inundation anticipated will vary up to 6 feet at points along the southwestern edge of the Site adjacent to Northwestern Avenue.

5.6 Tsunami Inundation

According to the CGS Tsunami Inundation Map for Emergency Planning: Fortuna Quadrangle (CGS, 2009), the Site is not located in an area anticipated to experience inundation. On the basis of this mapping and the Site elevation, the risk of tsunami inundation is considered to be negligible.

5.7 Expansive Soils

Expansive soils generally consisting of cohesive, fine-grain clay soils represent a significant structural hazard to buildings founded on them, especially where seasonal fluctuations in soil moisture occur at the foundation-bearing depth. In general, we can expect the upper three feet of soils to be affected by seasonal fluctuations in moisture content. Soils encountered at the Site typically consist of non-plastic gravels, sands, and silts (GW, GC, GM, SP, SW, SM, ML). As such, in our opinion, the risk of expansive soils detrimentally affecting the proposed development at the Site is negligible.

5.8 Shallow Groundwater

As noted in Section 4.2 of this report, groundwater was encountered in our subsurface explorations at a depth of 4 feet bgs within the pond footprint, and below 28 feet outside of the pond footprint. Excavations within the pond footprint (see Figure 2) extending below a depth of 4 feet should anticipate encountering groundwater.

6.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the results of our exploration program, we conclude that the project is feasible from a geotechnical/geological engineering standpoint. The primary geologic and geotechnical considerations affecting the planned improvements are as follows:

- The potential for strong seismic ground shaking to affect the Site.
- The potential for slope failure to impact structures along the northern edge of the Site during a design level earthquake.
- The potential for debris from a slope failure to block or disrupt the flow of the drainage channel below the cliff along the northern boundary of the Site, resulting in failure of the confining earth embankment and flooding of the Site.
- The potential for differential settlement to impact foundations constructed across the boundary between the granular backfill within the pond footprint and adjacent native soils.
- The potential presence of undocumented structures (foundations, pipelines, concrete vaults, backfilled excavations) within the development footprint.
- The potential for the Site to be inundated during a 100-year flood event.

Beyond the scope of this investigation, if it is desired to build any habitable structures within 100 feet of the base of the bluff along the northern boundary of the Site, we recommend a quantitative slope stability analysis be performed to evaluate the hazard to these structures posed by landslide debris. A "structure for human occupancy" is any structure used or intended for supporting or sheltering any use or occupancy, which is expected to have a human occupancy rate of more than 2,000 person-hours per year. This setback is based on the height of the cliff and the observed mechanism of past failures by forward toppling.

As described above, a south trending drainage gully exists on the bluff adjacent to the northeastern corner of the Site. This drainage flows into a man-made channel formed between the base of the bluff and an earth embankment, where it flows west along the northern property boundary and into a network of ditches (see Figure 2). This embankment appears to have been created using soft and potentially highly erodible fill. The base of the channel has been partially filled with sediment and is presently above the grade of the Site. In our opinion, debris from a failure of the adjacent cliff could result in failure of this embankment due to either erosion or over-topping. We recommend consideration be given to replacing this potentially vulnerable drainage control structure.

We anticipate that structures constructed across the boundary of the backfilled log pond will experience potentially high differential settlement due to abruptly different subgrade soil types. Where possible, we recommend not locating structures unable to accommodate high differential settlement across this boundary (see Figure 2). Where this is unavoidable, we recommend additional subsurface exploration and settlement analysis be performed. As details regarding building loads and locations become available, we can provide more detailed foundation design criteria to address these conditions.

6.1 Earthwork

The following sections present earthwork conclusions and recommendations for the project. Recommendations for site and subgrade preparation, excavation, fill and backfill quality and compaction, and surface drainage control are included. Earthwork including, but not limited to, site clearing, grubbing, and stripping should generally be conducted during dry-weather conditions, where feasible. If wet-weather

site preparation is necessary, additional excavation may be needed where rain-softened, yielding soils occur.

Based on our review of the preliminary project layout and description, a minor amount of earthwork is anticipated, including: excavation of footings for the new building, excavation and backfill of utility trenches, and the grading, subgrade preparation, and granular underlayment necessary to create planned hardscape improvements. Based on the findings of our subsurface exploration and review of available literature, we conclude native soils are excavatable using conventional equipment.

6.2 Site Preparation

Given the history of past Site development, we recommend that care be taken during demolition of existing structures and stripping of the Site to locate, identify, and properly remove any underground structures or areas of undocumented fill within the area of proposed Site improvements. At the locations of new structures and exterior flatwork and at least 3 feet beyond, pavement, foundations, irrigation lines, and underground utilities not designated to remain should be properly demolished and removed from the project Site. Where not already underlying existing pavement, areas should then be stripped of any vegetation and topsoil containing organic material. We estimate the depth of stripping will be approximately 4 inches. At the completion of Site stripping, we recommend the project geotechnical engineer be consulted to help identify any areas of undocumented fill or soft native soil. Where undocumented fills or soft soils are identified, they should be removed down to suitable undisturbed native soils and the resulting excavation backfilled in an engineered manner.

6.3 Utility Trench Backfill

Trench backfill quality and compaction should generally conform to the requirements of Section 6.4 of this report. Where trenches closely parallel a shallow foundation and the trench bottom is within a two horizontal to one vertical plane projected outward and downward from the foundation, concrete slurry (2-sack minimum) should be used to backfill that portion of the trench below this plane. The use of slurry backfill is not required where a narrow trench crosses a footing at or near a right angle.

6.4 Structural Fill

Following clearing and stripping, areas to receive fill or hardscape should be scarified to a depth of 6 inches, moisture conditioned, and compacted to achieve the requirements summarized in Table 2. Fill should be placed in layers not exceeding 8 inches in loose thickness and moisture conditioned and compacted per Table 2 requirements.

Material used as fill should be free of organic material and rocks larger than 3 inches in greatest dimension, and conform to the following requirements:

Plasticity Index:	15% or less.
Liquid Limit:	40% or less.

The results of our exploration indicate the majority of onsite materials are suitable for use as fill (summary of compaction recommendations are shown in Table 2 on page 12).

Table 2. Summary of Compaction Recommendations

Fill Element	Relative Compaction*	Moisture Content*
General fill - raising of site grades	90 percent	Near Optimum
Upper 6 inches of subgrade beneath hardscape	90 percent	Near Optimum
Aggregate base rock beneath hardscape	95 percent	Near Optimum
Pipe bedding and utility trench backfill	90 percent	Near Optimum

*Relative compaction refers to the ratio of the in place dry density of the soil to the maximum dry density as described in the latest addition of the ASTM D1557 compaction test procedure. Optimum moisture content is the water content as a percentage of the dry weight of the soil corresponding to the maximum dry density.

6.5 Temporary Slopes and Trench Excavations

The contractor is responsible for the stability of temporary slopes and trenches excavated at the Site and the design and construction of any required shoring. Shoring and bracing should be provided in accordance with all applicable local, state, and federal safety regulations, including the current OSHA excavation and trench safety standards. Because of the potential for variable soil conditions, field modifications of temporary cut slopes may be required. Unstable materials encountered on the slopes during the excavation should be trimmed off, even if this requires cutting the slope back at flatter inclinations.

6.6 Surface Drainage

The Site should generally be graded to provide positive drainage away from foundations. A minimum gradient of 2% should be maintained for hardscape areas within five feet of a structure where this does not conflict with Americans with Disabilities (ADA) design requirements. A 5% gradient should be maintained for landscaped areas not designed to receive foot traffic within 5 feet of a structure. The grading or landscaping design and construction should not allow water to pond on the Site within a minimum of 10 feet from any engineered structure, nor to migrate beneath any structure. Runoff from hardscaped areas, roofs, patios, and other impermeable surfaces should be contained, controlled, and collected in a tight-line pipe that outlets into the Site storm drainage or infiltration system.

6.7 Foundations

We anticipate that spread footing foundations may be used to support the proposed buildings. Spread footings should bear on firm native soils and medium dense granular fill. Footings should extend at least 18 inches below the lowest adjacent finish grade, be at least 12 inches wide, and designed using the maximum allowable bearing pressures presented in Table 3 below.

Table 3. Maximum Allowable Bearing Pressures for Shallow Spread Footings on Compacted Fill

Loading Condition	Maximum Allowable Bearing Pressure (psf)
Dead plus Live Loads	1,500
Total, including Wind or Seismic	2,000

Lateral load resistance may be developed via: (1) friction between the footing bottoms and underlying soil; and (2) passive resistance between the vertical faces of footings. For design, use an allowable friction coefficient of 0.25 and an equivalent fluid passive soil pressure of 150 pounds per cubic foot-psf. Passive pressure should be neglected in the upper 1 foot of soil unless confined by concrete slabs or pavements. If friction and passive resistances are to be combined, reduce the lesser value by 50%.

Footings adjacent to existing utility trenches or other footings should be deepened enough to bear below a 1:1 (horizontal to vertical) plane extending upwards from the bottom edge of the utility trench or footing excavation. A representative of the project geotechnical engineer should observe the footing excavations prior to the placement of reinforcing steel and concrete forms to check that they are founded in suitable bearing materials and have been properly cleaned of loose soil.

6.8 Seismic Design Parameters

We recommend the proposed structures be designed and constructed to withstand seismic shaking as required by the California Building Code (CBC). Earthquake design parameters presented herein are based on the 2016 CBC which, in turn, is based on the 2015 International Building Code (IBC, 2015), and the standard 'Minimum Design Loads for Buildings and Other Structures', ASCE 7-10 (ASCE, 2010). The 2010 ASCE 7 (with March 2013 errata) is based upon a maximum considered earthquake ground motion, defined as the motion caused by an event with a 2% probability of exceedance within a 50-year period (recurrence interval of approximately 2,500 years).

New and previous field and laboratory test data indicate that the Site and proximity can be conservatively assigned a Site Class D based on average soil properties in the top 100 feet and Table 1613.5.2 of the 2016 CBC. Site Class D is defined as a profile consisting of a stiff soil with a shear wave velocity between 600 and 1,200 feet per second; a Standard Penetration Test, N (blows/foot), between 15 and 50 and undrained shear strength between 1,000 and 2,000 psf.

Based on the above and the "Ground Motion Parameter Calculator" provided on the United States Geologic Survey (USGS, 2016 website (<http://earthquake.usgs.gov/research/hazmaps/design/>)), calculated seismic design criteria for each tank are presented in Table 4 below.

Table 4. Summary of Seismic Design Factors*

Site Class	F_a	F_v	S_s	S_1	S_{MS}	S_{M1}	S_{D5}	S_{D1}
D	1.0	1.5	1.573	0.790	1.573	1.185	1.048	0.790

*Latitude and longitude are 41.514441° North and -124.125643° West, respectively.

These design spectral response accelerations are further defined as follows:

- F_a Short period coefficient to modify 0.2-second period of mapped spectral response accelerations for Site Class D.
- F_v Long period coefficient to modify 1.0-second period of mapped spectral response accelerations for Site Class D.
- S_s Mapped spectral response acceleration, 5 percent damped, at 0.2-second period for Site Class D (%g).
- S_1 Mapped spectral response acceleration, 5 percent damped, at 1.0-second period for Site Class D (%g).
- S_{MS} Maximum considered earthquake spectral response acceleration, 5 percent damped, at 0.2-second for Site Class effects (%g).
- S_{M1} Maximum considered earthquake spectral response acceleration, 5 percent damped, at 1.0-second period for Site Class effects (%g).
- S_{DS} Design spectral response acceleration, 5 percent damped, at 0.2-second period (%g).
- S_{D1} Design spectral response acceleration, 5 percent damped, at 1.0-second period (%g).

As indicated above, in accordance with the definitions laid out in section 1613A.3.5 of the 2016 CBC, the Site falls under seismic design category D, with a mapped spectral response acceleration parameter at 1-second period, S_1 of less than 0.75. As a result, in accordance with CGS Note 48, item 16, and ASCE 7 Section 11.4.7, a site-specific ground motion analysis is not required for this Site.

7.0 FUTURE GEOTECHNICAL SERVICES

7.1 Plan Review

To better assure conformance of the final design documents with the recommendations contained in this report, LACO's geotechnical department must review the completed project plans prior to construction. The plans should be made available for our review as soon as possible after completion so we can better assist in keeping your project schedule on track.

7.2 Construction Observation and Testing

LACO should be retained to observe and test the earthwork and foundation installation phases of construction in order to: (a) check that subsurface conditions exposed during construction are substantially the same as those interpolated from our limited subsurface exploration, on which the analysis and design were based; (b) observe compliance with the geotechnical aspects and specifications presented in the approved plans; and (c) allow design changes in the event that subsurface conditions differ from those anticipated. The recommendations in this report are based on limited subsurface information. The nature and extent of variation across the Site may not become evident until construction. If variations are then exposed, it will be necessary to re-evaluate our recommendations.

8.0 LIMITATIONS

This report has been prepared for the exclusive use of Martino Entitlements, its client, contractors and consultants, and appropriate public authorities for specific application to the proposed Site improvements. LACO has exercised a standard of care equal to that generated for this industry to ensure the information contained in this report is current and accurate. The opinions presented in this memorandum are based upon information obtained from subsurface excavations, a Site reconnaissance, review of geologic maps and data available to us, and upon local experience and engineering judgment, and have been formulated in accordance with generally accepted geotechnical engineering practices that exist in California at the time this report was prepared. In addition, geotechnical issues may arise that are not apparent at this time. No other warranty, expressed or implied, is made or should be inferred. As stated above, a brochure prepared by ASFE (Association of Firms Practicing in the Geosciences) has been included in Appendix 1 of this report. We recommend that all individuals reading this report also read this brochure.

Data generated for this report represent information gathered at that time and at the widely spaced locations indicated. Subsurface conditions may be highly variable and difficult to predict. As such, the recommendations included in this report are based, in part, on assumptions about subsurface conditions that may only be observed and/or tested during subsequent project earthwork. Accordingly, the validity of these recommendations is contingent upon review of the subsurface conditions exposed during construction in order to check that they are consistent with those characterized in this report. Upon request, LACO can discuss the extent of (and fee for) observations and tests required to check the validity of the recommendations presented herein.

The opinions presented in this report are valid as of the present date for the property evaluated. Changes in the condition of the property can occur over time, whether due to natural processes or the works of man, on this or adjacent properties. In addition, changes in applicable standards of practice can occur, whether from legislation or the broadening of knowledge. Accordingly, the opinions presented in this report may be invalidated, wholly or partially, by changes outside our control. Therefore, this report is subject to review and should not be relied upon after a period of three years, nor should it be used, or is it applicable, for any property other than that evaluated. This report is valid solely for the purpose, Site, and project described in this document. Any alteration, unauthorized distribution, or deviation from this description will invalidate this report. LACO assumes no responsibility for any third-party reliance on the data presented. Additionally, the data presented should not be utilized by any third-party to represent data for any other time or location.

Rio Dell Holdings Minor Subdivision
File No. 205-111-069; Case No. PMS 18-01
Conditions of Approval

Approval of the subdivision is conditioned upon the following terms and requirements which must be fulfilled before the Parcel Map may be recorded.

1. Map Expiration: The approval of the Tentative Map shall expire 24 months after all appeal periods have lapsed.

2. Taxes: All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable to the satisfaction of the County's Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Final Map to satisfy this condition.

4. Map Type: The applicant must cause to be filed a Parcel Map in accordance with the Final Map requirements of Section 16.10.120 et. seq. of the Rio Dell Municipal Code (RDMC). The approved lot line adjustment shall be reflected on the Final Map. A subdivision map checking deposit of \$500.00 shall be paid at the time the subdivision map is submitted for checking. County Recorder fees shall be paid prior to submittal of the map to the County recorder for filing.

5. Improvement Plans: Pursuant to Section 16.25.060 of the Rio Dell Municipal Code (RDMC) the applicant shall submit improvement/construction plans for the required curb, gutter, sidewalk, streets, pedestrian trail, water lines, drainage improvements, fire hydrants and street lights. Improvement plans must be prepared by a Civil Engineer registered by the State of California. Improvement plans shall be on 24" x 36" sheets, unless otherwise approved by the City Engineer.

The Improvement Plans shall be reviewed, signed as approved by the City Engineer (GHD). A plan checking deposit of \$500.00 shall be paid at the time the Improvement Plans are submitted for checking. The City Engineer shall review and

6. Unknown Improvements: Other on-site and/or off-site improvements may be required which cannot be determined from the Tentative Map at this time. These improvements, if any, will be determined after a complete review of the required Improvement Plans.

7. Easements: All easements that encumber or are appurtenant to the subdivision shall be shown graphically on the Parcel Map. Those easements that do not have a metes and bounds description shall be noted on the Final Map and shown as to their approximate location.

8. Department of Toxic Substances Control: The applicant shall comply with the Department of Toxic Substances Control's following conditions. Written verification from the Department of Toxic Substances Control is required prior to the filing of the Parcel Map.

- Removal of all soil piles generated during the 2011 implementation of the Interim Removal Action;
- Sign a Consent Order with the DTSC for the remediation of soil and groundwater originating within APN 205-111-069;
- Monitor groundwater in accordance with the North Coast Regional Water Quality Board's (RWQCB's) Monitoring and Reporting Program No. R1-2013-0073 dated November 12, 2013, or updates to the monitoring program approved by the RWQCB and DTSC.
- Submit a draft Removal Action Workplan addressing soil and groundwater contamination originating within APN 205-111-069.

9. Utilities: All utilities shall be placed underground.

10. Curbs and gutters shall be provided on both sides of the access road as shown on the Site Plan. A PCC Caltrans Type A1-6 curb shall be provided. Sawcuts will be required to ensure a uniform joint between the existing asphalt and the gutter. A eight (8) foot separated sidewalk shall be provided on the east side of the access road as shown on the Site Plan. The planting strip shall be a minimum of six (6) feet.

11. Curbs, gutters and a five (5) foot sidewalk shall be provided parallel to the southerly property line along Northwestern Avenue. A PCC Caltrans Type A1-6 curb shall be provided. The applicant shall pave any area between the new gutter and the existing asphalt. When widening hot mix (asphalt roads) the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavement. The location of the sawcut shall be approved by the Department of Public Works. The structural section of all new asphalt include a minimum of 0.2 foot of Caltrans Type B hot mix (asphalt) over 0.67 foot of Caltrans Class 2 aggregate base. If required by the City Engineer, the structural section of all new roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by the City Engineer. Based on soil conditions, the City Engineer may also require a geotextile fabric to be placed on top of the sub grade.

RESOLUTION NO. PC 127-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE RIO DELL HOLDINGS SUBDIVISION:**

WHEREAS The applicant is proposing a minor subdivision of a 15+/- acre parcel into four (4) parcels of 1.48, 1.50, 2.80, 2.86 and a Reminder of 6.41 acres; and

WHEREAS the parcels will be dependent on on-site septic systems and community water; and

WHEREAS pursuant to Section 66474 of the Subdivision Map Act and Title 16 of the Rio Dell Municipal Code (RDMC) in order approve this project the Planning Commission must determine that the applicant has submitted evidence in support of making all of the following required findings:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the subdivision is physically suitable for the type of development; and
5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS the applicant has provided evidence that the subdivision is consistent with the General Plan, Zoning and Subdivision regulations. In addition, the parcels are suitable for their intended use and there is no evidence to suggest that approving the subdivision will cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS staff has determined that the subdivision is Statutorily Exempt pursuant to Section 15315 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations; and

NOW, THEREFORE, BE IT RESOLVED the Planning Commission finds that based on evidence on file and presented in the staff report that the proposed subdivision complies with all of the following required findings:

1. That the subdivision together with the provisions for its design and improvements is consistent with the City's General Plan; and
2. That the subdivision complies with the requirements and standards of the City's zoning regulations; and
3. That the subdivision complies with the requirements and standards of the City's subdivision regulations; and
4. That the subdivision is physically suitable for the type of development; and
5. The subdivision is not likely to cause substantial environmental damage or substantially and avoidably fish or wildlife or their habitat; and

BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell approves the subdivision subject to conditions of approval.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on May 22, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 127-2018 adopted by the Planning Commission of the City of Rio Dell on May 22, 2018.

Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 22, 2018

☐ Consent Item; ☒ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director

A handwritten signature in blue ink, appearing to be "K Caldwell", written over the printed name.

Through: Kyle Knopp, City Manager

A handwritten signature in blue ink, appearing to be "K Knopp", written over the printed name.

Date: May 9, 2018

Subject: Mountain Investments Design Review Conditional Use Permit
File No. 205-111-040; Case No. DR-CUP 18-02

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, based on the project as conditioned, find that:

Zoning Consistency

- The proposed project is consistent with the applicable Zoning regulations and complies with the applicable "Guiding Principles and Design Concepts" in Section 17.250.050(5) Rio Dell Municipal Code (RDMC); and
- The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community; and

- The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and
- The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and

General Plan Consistency

- The proposed project is consistent with the General Plan

California Environmental Quality Act

- The Design Review Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);
4. Adopt Resolution No. PC 125-2018 approving the Design Review Conditional Use Permit subject to the recommended Conditions of Approval in Exhibit A.

Background

Mountain Investments has submitted an application for a Design Review Conditional Use Permit for three (3) two-story buildings. Two buildings will be 19,200 square feet and the third building will be 12,000 square feet. In addition, the applicant is requesting that temporary facilities be allowed. Temporary facilities are allowed, provided the applicants have applied for and obtained a Building Permit for one of the buildings. Staff has prepared a separate Staff Report for the cannabis activity Conditional Use Permit (CUP). Staff is addressing the application based on the pending subdivision.

The applicants are requesting approval of temporary facilities for cannabis activities. The temporary facilities include an administrative office, a processing/packaging/distribution unit, a C1D1 8' x 40' FlexMod or similar volatile manufacturing unit, two ADA portable restroom facilities, 10,000 gallons of water storage, waste receptacles, cannabis waste facilities and a storage facility for the gases (solvents). The temporary facilities will be addressed in the cannabis activity Conditional Use Permit (CUP).

The proposed buildings are subject to the City's Design Review regulations, Section 17.25.050 *et seq* of the Rio Dell Municipal Code (RDMC). The purpose of the City's adopted Design Review Guiding Principles and Concepts are:

- To encourage high quality land/site planning, architecture and landscape design;

- To ensure physical, visual, and functional compatibility between uses: and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

Attachment 1 includes proposed building elevations, site plan and landscaping plan.

Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use: The property is zoned Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. Again, the applicant is proposing three (3) commercial buildings. The buildings will be used for cannabis activities. Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the former Eel River Sawmill site, now known as the Humboldt Rio Dell Business Park with a Conditional Use Permit (CUP).

Finding: The proposed uses are allowed with a Conditional Use Permit (CUP). Again, staff has prepared a separate Staff Report for the cannabis activity Conditional Use Permit (CUP).

Flood Zone: The parcel is located within the 100 year flood zone according to FEMA's Flood Insurance Rate Map (FIRM), Panel No. 1240 of 2015.

Section 17.30.140 of the RDMC requires that if a proposed building site is located in a flood zone, any proposed new construction or substantial improvement, including manufactured and mobile homes, must:

- (a) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structures;
- (b) Use construction materials and utility equipment that are resistant to flood damage; and
- (c) Use construction methods and practices that will minimize flood damage.

In addition, to our local regulations, the project is also subject to FEMA's flood regulations (Title 44 Code of Federal Regulations, Section 61.7 and 61.8) which require that the first floor of the structure be located one foot above the Base Flood Elevation (BFE). As such a Flood Elevation Certificate is required, this identifies among other site features, the BFE and the elevation of

the floor of the buildings. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

If the temporary structures are to remain during the winter (November 1st through April 15th) they must also meet the flood plain requirements in that they must be located one foot above the Base Flood Elevation (BFE) or be road ready in case they need to be relocated to higher ground. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Parking: Section 17.30.180 of the Rio Dell Municipal Code (RDMC) identifies Parking and Loading requirements, including the required number of spaces, landscaping, lighting, surface requirements, striping, wheel stops, number of spaces, handicap spaces, bicycle and motorcycle parking and loading spaces. Staff is addressing the parking based on the pending subdivision. It must be noted that the Planning Commission has identified the parking demand at one space for every 800 square feet for cultivation activities.

Buildings A and B will total 19,200 square feet each and Building C will be 12,000 square feet. The total square footage of the three buildings is 50,400 square feet. Based on one space for every 800 square feet, the applicant is required to provide 63 spaces for the buildings. The applicant is proposing 60 spaces. The applicant has submitted a parking exception based on levels of anticipated use. According to the submitted Plan of Operation, fifty (50) full time employees spread out over three shifts are anticipated for the proposed activities.

Three Buildings, 50,400 square feet total.			
Buildings A & B = 19,200 sq. ft. each, Building C = 12,000 sq. ft.			
Requirement	Size	Required	Proposed
Regular Parking Spaces 1/800 sq. ft.	19' x 8.5'	63	60
Number of Required Accessible Spaces 1/25 spaces	19' x 14'	3	3*
Number of Required Bicycle Spaces	6' x 2'	3 @ A, B & C	10*
Number of Required Motorcycle Spaces	7' x 4'	2 @ A & B 1 @ C	3*
Number of Required Loading Spaces	35' x 11' x 14'	3 Total 1 for each building.	1*

** See Discussion*

Staff supports the Parking Exception. The Rio Dell Municipal Code (RDMC) requires one disabled or accessible space per 25 parking. The handicap space must be permanently signed and the space painted with the international symbol of accessibility. The site plan identifies the three (3) required accessible spaces, two (2) of the spaces are located in front of Building C and one (1) space in front of Building A. There are no proposed spaces in front of Building B. However, the Drainage Plan identifies four accessible spaces, one (1) in front of Buildings A and B and two (2) in front of Building C. The Parking Regulations require that the required accessible spaces be located as close to the building entrances as possible. As such staff is recommending that at least one (1) accessible space be provided in front of each of the

proposed buildings, as close to the entrance as possible. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

*Staff is also recommending that each building provide proximate bicycle, motorcycle and loading spaces. As such, each building shall provide three (3) proximate bicycle parking spaces/racks. Buildings A and B shall provide two (2) proximate motorcycle spaces and Building C shall provide one (1) proximate motorcycle spaces. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Section 17.30.180(21) of the RDMC identifies the number of required loading spaces. Industrial and manufacturing uses are required to provide 1 loading space for 5,000 to 40,000 square feet of gross floor area. Loading spaces must be at least 11' x 35' and have at least 14 feet of vertical clearance. The Site Plan identifies one (1) loading space. Each building is required to provide a screened loading space.

Loading areas are to be screened with a combination of dense landscaping and solid masonry walls with a minimum height of eight (8) feet. However, there is an exception to the location and screening requirements where the Community Development Director in consultation with the Director of Public Works may modify these requirements. The loading areas must be striped and identified for "loading only" and the striping and notation must be continuously maintained in a clear and visible manner. Staff has conditioned the project accordingly. **Please refer to Exhibit A.**

Section 17.30.180(6) of the RDMC identifies the minimum dimensions of parking spaces and aisles. The applicant is proposing perpendicular spaces. The proposed parking space dimensions, 19' x 8.5', and aisle dimensions, 25', complies with the City's parking regulations.

Section 17.30.180(7)(a) of the RDMC requires all parking spaces, access drives and maneuvering areas to be improved with and permanently maintained with an all weather durable asphalt, concrete of comparable surface as required by the Director of Public Works. The submitted site plans indicates that the access drives and parking areas will be improved with asphalt. Staff has included as an operational condition that the paving be permanently maintained in good condition. **Please refer to Exhibit A.**

Section 17.30.180(8) of the RDMC requires that the parking spaces be clearly delineated with white 4 inch wide lines and that the striping be continuously maintained in a clear and visible manner. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(9) of the RDMC requires concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. The curbing is allowed to have breaks in it to allow stormwater to pass. The applicant shall submit Improvement Plans identifying the required curbing. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(10) of the RDMC identifies driveway and access requirements. The purpose of the driveway provisions is to limit the number of driveways to avoid potential conflicts with pedestrians, bicyclist and vehicles. The number of access drives per parcel shall be the minimum number required to serve the intended use of the parcel. The project as proposed does not create potential conflicts with pedestrians, bicyclist and vehicles. The project has been conditioned to provide an ADA approved (Chapter 11B of the California Building Code) path of travel from Northwestern Avenue to each of the proposed buildings. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(10)(b) of the RDMC requires that each access driveway be located a minimum of 50 feet from the nearest intersection, as measured from the centerline of the access road driveway to the centerline of the nearest travel lane of the intersecting street, unless a lesser or greater distance is approved or required by the Director of Public Works. The proposed location of the driveways complies with this regulation.

Section 17.30.180(11)(b) of the RDMC requires that one-way driveways be a minimum of 16 feet wide and two-way driveways be a minimum of 25 feet wide. The project as proposed does comply with the 25' minimum width.

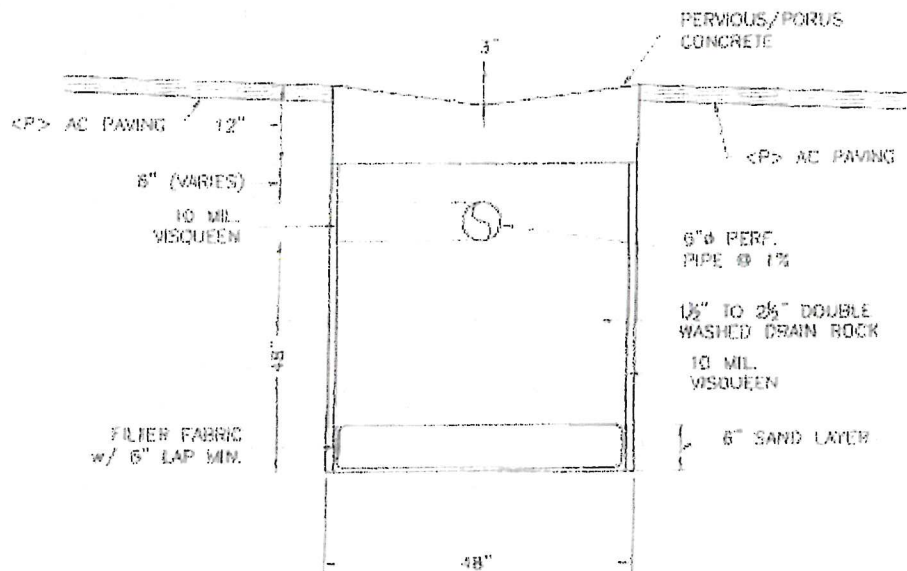
Sections 17.30.180(12), (13) and (14) of the RDMC identifies parking area landscape requirements for parking lots containing 3 spaces or more. Landscaping has to be provided throughout the parking lot as a combination of ground cover, shrubs and trees. The landscaping plan does incorporate the use of ground cover including grass, shrubs and trees.

Section 17.30.180(13)(i) requires a six foot landscaping strip between the parking area and the street, curb, gutter and sidewalk. The applicant is proposing a ten (10) foot landscaping strip of trees and grass along the front property line, parallel to Northwestern Avenue. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.310 et. seq. requires the construction of curb, gutter, sidewalks and street improvements as conditions of approval of an entitlement permit. This is consistent with a number of Goals and Policies of the Circulations Element, including Policies 3-1 and 3-2, requiring pedestrian and bicycle improvements. These regulations and policies are consistent with AB 1328, Complete the Streets legislation and the United States Department of Transportation Policy Statement on bicycle and pedestrian improvements. The project has been conditioned to require curb, gutter, sidewalks and bicycle lane along the frontage of the site. The required improvements shall be identified on the required Improvement Plans. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(12)(a)(iii) of the RDMC encourages on-site stormwater detention/retention, pollutant cleansing and groundwater recharge. In addition, the City's Open Space and Conservation Element, Policies CO 5.2-7 and CO 5.6-2 require the incorporation of detention/retention facilities and bio swales. It is the City's policy that there is no net increase in stormwater runoff during a 25 year storm event as a result of a project.

The site will be graded such that runoff will sheet flow northeast across the parking lot and into the proposed gutter along the west side of Northwest Ave. A pervious valley gutter underlain by an infiltration trench is proposed along the property frontage. Runoff sheet flowing across the parking lot will be intercepted in this pervious valley gutter and will enter the infiltration basin. See below.



The infiltration basin will be equipped with multiple 12" diameter overflow pipes, which will direct excess runoff north, across Northwest Ave. and into the re-graded drainage basin. The basin will be sized to store runoff generated by the project.

Staff referred the Drainage/Hydraulics Analysis to the City Engineer (GHD) for their review and approval. According to the City Engineer, the applicant's are planning using infiltration trenches on-site and a proposed 12' x 380' off-site drainage retention/detention facility across Northwestern Avenue. Based on their analysis approach the proposed drainage plan and improvements will accommodate over 110% of the stormwater. The City Engineer did recommend that the pervious concrete be maintained to ensure it works properly. Submittal of final Improvement Plans shall be consistent with the Drainage/Hydraulics Analysis. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(13)(a) of the RDMC requires that parking areas be screened from streets and adjoining properties and contains the following perimeter parking landscaping requirements:

(i) A proposed parking area adjacent to a public street shall be designed with a landscaped planting strip between the street right-of-way and parking area with a minimum depth of 6 feet.

Again, the applicant is proposing a ten (10) foot landscaping strip of trees and grass along the front property line, parallel to Northwestern Avenue.

(ii) Landscaping within the planting strip shall be designed and maintained to screen cars from view from the street to a minimum height of 18 inches, but shall not exceed any applicable height limit for landscaping within a setback.

Staff is recommending that shrubs be included in the landscaping strip so as to partially screen the parking area. For security/visibility purposes, staff is recommending that the shrubs reach a maximum height of three (3) feet. The project has been conditioned accordingly. **Please refer to Exhibit A.**

(iv) Trees that reach a mature height of at least 20 feet shall be provided within the planting strip in addition to trees within the parking lot interior required by Section 17.30.180(14)(a). Trees types shall have root systems that will not extend beyond the planting area.

The landscaping plan identifies fifteen (15) trees in the landscaping strip, but not the type. There are existing overhead power lines above the proposed landscaping strip. As such, staff is recommending that any proposed trees in the landscaping strip not exceed a mature height of twenty (20) feet. Staff has conditioned the project to require trees that reach a maximum mature height of twenty (20) feet. The project has been conditioned accordingly. **Please refer to Exhibit A.**

(v) Plant materials, signs, or structures within a traffic safety sight area of a driveway shall comply with Section 17.30.090(1) (Corner Lots – Sight Distance).

The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(13)(c) of the RDMC requires that when a parking area is located adjacent to a nonresidential structure, a landscape strip shall be provided adjacent to the structure, exclusive to any building entries or areas immediately adjacent to the wall of the structure that serve as pedestrian access ways. The Site Plan indicates that the applicant's are proposing a sidewalk between the spaces and the building. However, the color elevations identify landscaping directly in front of the building. Staff recommends that a landscaping strip be provided between the buildings and the sidewalk. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Section 17.30.180(14) of the RDMC requires that 10% of the gross area of the parking lot be landscaped. The parking areas total approximately 38,500 square feet. Accordingly, about 3,850 square feet of landscaping within or adjacent to the parking area is required. The applicant is proposing approximately 6,000 square feet of landscaping along the frontage of the parcel and about 5,300 of landscaping adjacent to Highway 101. The proposed landscaping exceeds the required area to be landscaped.

In addition, pursuant to Section 17.30.180(14)(a) of the RDMC, in addition to the trees required in the landscaping strip, trees that reach a minimum height of twenty (20) feet are required

within or adjacent to the parking lot at a minimum ratio of one (1) tree for every five (5) parking spaces. Again, sixty (60) parking spaces are proposed, as such twelve additional trees are required. Staff is recommending that four (4) trees, two (2) on the east side and two (2) on the west side of the leachfield area be planted. In addition, staff is recommending a tree be planted between Buildings A and B and Buildings B and C within the ten (10) foot landscaping strip parallel to Highway 101. The remaining six trees shall be planted south of Building C. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Pursuant to Section 17.30.180(15) of the RDMC, outdoor lighting fixtures are limited to a maximum height of fifteen (15) feet and the fixtures must be directed downward and away from adjoining properties and public rights-of-way, so that no on-site lighting directly illuminates adjacent properties. The project has been conditioned so that each light fixture be LED and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties. **Please see Exhibit A.**

Section 17.30.300 includes the City's sign regulations. The project has been conditioned to require compliance with the sign regulations. **Please see Exhibit A.**

Design Review

Section 17.25.050 *et. seq.* for the RDMC contains the Design Review Regulations. The Design Review Regulations apply to new buildings and/or structures. The Planning Commission is required to review and approve, conditionally approve, or deny Design Review applications using the guiding principles and design concepts, application review process, and findings identified in Section 17.25.050(8) of the RDMC. Below are the Guiding Principles and Design Concepts:

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses; and
- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

As indicated above the project is also subject to the required Design Review findings found in Section 17.25.050(8) of the RDMC. The required findings are as follows:

*(1) The proposed project is consistent with the objectives of the General Plan, complies with applicable Zoning regulations, Specific Plan provisions, Special Planning Area provisions, and is consistent with the applicable "Guiding Principles" and "Design Concepts" in **Section 17.250.050(5) Rio Dell Municipal Code (RDMC).***

Staff will address General Plan consistency in Section 2 of this staff report. The zoning consistency analysis was provided previously. This section of the staff report is addressing landscaping and design review.

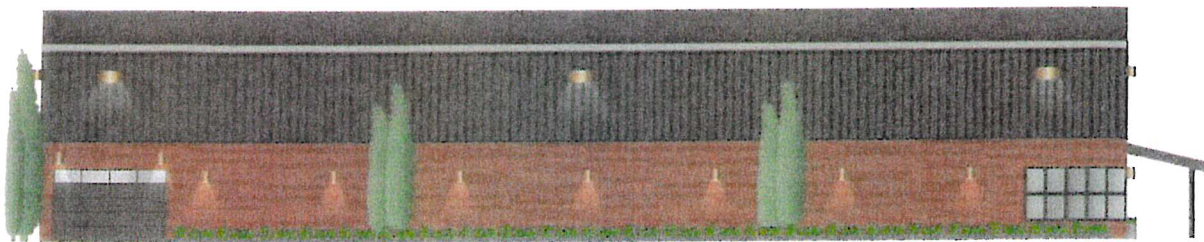
Below are the adopted Design Concepts for Site Planning for commercial developments.

- *Design of new development with particular attention to compatibility between non-residential and adjacent residential uses/properties within the project vicinity.*

There are no residential uses or properties within the project's vicinity.

- *A unified design theme for integrated developments. All buildings within an integrated development shall be designed consistent with the approved design theme.*

The proposed building designs are consistent with one another within the project site. It should be noted that the Stakeholders did not want a uniform design theme for the Humboldt Rio Dell Business Park as long as the building designs exhibited quality, aesthetically pleasing projects. Staff believes the use of horizontal and vertical siding elements along with the proposed natural wood-tone colors are aesthetically pleasing. The colored elevations are included as **Attachment 1**.



Building A Elevations

- *Pedestrian-friendly design which incorporates pedestrian amenities and outdoor gathering places into the project design with consideration given to the climate and planned use of space.*

The project has also been conditioned to provide an ADA approved (Chapter 11B of the California

Building Code) path of travel from Northwestern Avenue to each of the proposed buildings. Staff is recommending that two (2) outdoor gathering areas with benches and picnic tables be provided. One (1) at the north end of the site and one (1) at the south end of the site. The project has been conditioned accordingly. **Please refer to Exhibit A.**

- *A streetscape appearance that defines the pedestrian and vehicle corridor and presents an appealing and continuous theme along a sidewalk or street.*

Staff believes the required landscaping strip adjacent to Northwestern Avenue does provide an appealing streetscape.

- *Office and light industrial parks and integrated employment campuses that provide outdoor areas for eating and sitting, retail and service venues as appropriate, and other amenities for project employees.*

As indicated above, staff is recommending that two (2) outdoor gathering areas with benches and picnic tables be provided. One (1) at the north end of the site and one (1) at the south end of the site. The project has been conditioned accordingly. **Please refer to Exhibit A.**

- *Design flexibility for mixed-use development that ensures compatibility of use types and promotes beneficial relationships among uses.*

The proposed project is not a mixed-use development. The proposed development is focused on the legal commercial cannabis industry.

- *Where feasible, design streets with separated sidewalks that incorporate a planter strip between the back of curb and sidewalk.*

There are no proposed interior streets. As such, this provision does not apply to the proposed project.

(2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

Again, **Attachment 1** includes proposed building elevations of the buildings. The proposed colors are earth-tone (brown) for the horizontal siding and a contrasting charcoal or slate for the vertical siding, roofs and doors. The entrances to the buildings are covered, gable roofs. The Design Review adopted Design Concepts encourages the following:

- *High quality building designs that consist of durable and maintainable materials and that provide visual interest and diversity to the community.*

The proposed buildings will utilize horizontal lap siding (e.g. Hardi –Plank, 50 year) and vertical metal siding which of course are durable and maintainable.

- *Use of an architectural style and or/theme for new non-residential development that is consistent for building elevations of a single structure or consistent among all buildings within an integrated development.*

The proposed buildings are consistent with one another in regards to the architectural style.

- *Design of buildings or structures that are sensitive to the neighborhood character with regard to scale, architectural style, use of materials and bulk.*

The proposed buildings are consistent to the character of the area in regards to scale, style, materials and bulk.

- *Interesting and attractive architecture which includes varied relief of the facade elements and detailed articulation of the building features.*

Staff believes that the use of both horizontal and vertical siding elements is in fact project consistent with this adopted concept.

- *Incorporate quality site design, including landscaping, signage and other elements of site design.*

Staff has previously addressed the landscaping in the zoning consistency analysis. Based on the submitted plans and recommended conditions of approval, staff believes that the design of the building and associated landscaping certainly enhances the character of the area and community.

(3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties.

Staff believes the proposed buildings and associated landscaping is compatible with the nearby properties. Staff is recommending that each building be provided with trash/recycling areas and facilities. Staff is recommending that these areas be screened with either a seven (7) foot board fence or split face block. In addition, staff is recommending that any other freestanding equipment, including propane tanks, back-up generators and HVAC equipment also be screened. If roof-top HVAC systems are proposed, staff is recommending that they be placed on the back side of the roofs if possible. If not they shall be screened on the roof top. Staff is also recommending that utilities be placed underground. The project has been conditioned accordingly. **Please see Exhibit A.**

Staff has previously addressed the proposed exterior lighting associated with the project. In regards to signage, Section 17.30.300 of the RDMC identifies the City's sign regulations.

4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

As previously indicated based on the project location, surrounding uses and anticipated levels of use and the recommended conditions of approval, staff believes there is no evidence that the proposed development would result in future potential conflicts with pedestrians, bicyclist and vehicles.

As the Planning Commission is aware, the City commissioned a Traffic Impact Study (TIS) for the site and the potential development. Based on current and future conditions, W-Trans concluded that access to and from the Business Park is adequate. However, the City has requested that W-Trans identify potential improvements and funding mechanisms, including the establishment of a Traffic Impact Fee.

Based on the information submitted, the proposed buildings and associated landscaping do comply with the City's Design Review Regulations.

2. General Plan Consistency

The proposed use is consistent with the General Plan and any applicable specific plan;

The General Plan designation is also Industrial Commercial. The purpose of the Industrial Commercial designation is to provide for industrial and commercial uses. As the Commission is aware, commercial cannabis activities are allowed with a Conditional Use Permit. The Use Permit for the Cannabis related activities will be as a separate item.

The General Plan encourages landscaping to minimize visual impacts and ensure compatibility with adjacent and surrounding properties. The project has incorporated landscaping elements that will enhance the appearance of the project and the surrounding properties.

Again, the General Plan includes a number of Goals and Policies in the Circulations Element that apply to pedestrian and bicycle improvements. Goals include developing and maintaining a safe, balanced vehicular and non-vehicular (i.e. pedestrian, bicycle) transportation system and encourage bicycle and walking as an alternative to vehicular use. The project as conditioned is consistent with these goals and policies.

In addition, the proposed project is consistent with the following General Plan goal: "To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas."

There are no other goals or policies which would preclude the proposed use in the Industrial Commercial designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

3. California Environmental Quality Act

Based on the nature of the project and the recommended conditions of approval, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed development, staff believes there is no evidence to suggest that the site design and the design of the buildings will have a *significant* effect on the environment.

Attachments:

Attachment 1: Proposed Building Elevations, Site Plan and Landscaping Plan.

Attachment 2: Exhibit A, Conditions of Approval

Attachment 3: Resolution No. PC 125-2018 approving the Design Review Conditional Use Permit subject to the recommended Conditions of Approval in Exhibit A.

EXHIBIT A
Conditions of Approval
Mountain Investments Design Review Conditional Use Permit
Case No. DR-CUP 18-02
APN 205-111-040

Conditions of Approval

1. A seven (7) foot wrought iron or steel fence and gates shall be provide around the perimeter of the parcel.
2. Flood Elevation Certificates shall be submitted verifying that the finished floor of all buildings is one (1) foot above the Base Flood Elevation (BFE).
3. If the temporary structures are to remain during the winter (November 1st through April 15th) they must also meet the flood plain requirements in that they must be located one foot above the Base Flood Elevation (BFE) or be road ready in case they need to be relocated to higher ground.
4. All utilities shall be placed underground.
5. One (1) van accessible parking space shall be provided in front of each of the proposed buildings, as close to the entrance as possible. The accessible spaces must be permanently striped, signed and the space painted with the international symbol of accessibility consistent with Chapter 11B of the California Building Code (CBC).
6. The parking spaces shall be 8.5' wide and 19' deep and must be clearly delineated with white 4 inch wide lines and that the stripping be continuously maintained in a clear and visible manner.
7. Each building shall be provided with screened loading areas 11' wide, 35' deep with 14' of vertical clearance as required by Section 17.30.220(21) of the RDMC. Loading areas are to be screened with a combination of dense landscaping and solid masonry walls with a minimum height of eight (8) feet. Each loading space must be striped and identified for "loading only" and the striping and notation must be continuously maintained in a clear and visible manner.
8. The applicant shall provide the three (3) proximate 6' x 2' bicycle parking spaces for each building as identified in Section 17.30.220(19) of the RDMC.

9. Buildings A and B shall provide two (2) proximate motorcycle spaces and Building C shall provide one (1) proximate motorcycle spaces. Each space shall be 7' x 4' as identified in Section 17.30.220(20) of the RDMC.
10. Pursuant to Section 17.30.180(9) of the RDMC the applicant shall provide concrete curbing at least 6 inches in height and 6 inches wide around the perimeter of the parking and landscaped areas. The curbing is allowed to have breaks in it to allow stormwater to pass. The applicant shall submit Improvement Plans identifying the required curbing.
11. The applicant shall provide an ADA approved (Chapter 11B of the California Building Code) path of travel from Northwestern Avenue to each of the proposed buildings.
12. The applicant shall submit Improvement Plans identifying the following. The plans shall be reviewed approved by the City Engineer. The applicant shall be responsible for the costs of the review and approval.
 - All utilities, driveway approaches, travel lanes, curbs, gutters, sidewalks, drainage improvements consistent with the submitted Drainage/Hydraulics Analysis, including existing facilities and proposed facilities, fire hydrant locations, no parking areas and any other items deemed necessary by the City Engineer.
13. Curbs, gutters and a five (5) foot sidewalk shall be provided along the frontage of the parcel as shown on the Site Plan. A PCC Caltrans Type A1-6 curb shall be provided. Sawcuts will be required to ensure a uniform joint between the existing asphalt and the gutter. A landscape strip a minimum of six (6) feet wide shall be provided.
14. The applicant shall pave any area between the new gutter and the existing asphalt. When widening hot mix (asphalt roads) the widened road shall be paved with hot mix. A sawcut is required to ensure a uniform joint between the existing and new pavement. The location of the sawcut shall be approved by the Department of Public Works. The structural section of all new asphalt include a minimum of 0.2 foot of Caltrans Type B hot mix (asphalt) over 0.67 foot of Caltrans Class 2 aggregate base. If required by the City Engineer, the structural section of all new roads shall be determined by Caltrans R-Value method using a Traffic Index (T.I.) approved by the City Engineer. Based on soil conditions, the City Engineer may also require a geotextile fabric to be placed on top of the sub grade.
15. All improvements in or on City roads or easements shall require an Encroachment Permit.
16. The applicant cleanout and/or repair all existing on-site culverts and drainage ditches to allow the unimpeded flow of stormwater.

17. The applicant shall construct the detention/retention basin on the east side of Northwestern Avenue as shown on the submitted plans.
18. The applicant shall provide shrubs in the landscaping strip along Northwestern Avenue to help screen the parking lot. The shrubs shall not exceed a maximum mature height of three (3) feet.
19. Any proposed trees in the landscaping strip not exceed a mature height of twenty (20) feet.
20. The applicant shall revise the Landscaping Plan to include a four (4) foot landscaping strip between the parking lot sidewalk and the proposed buildings. The Landscaping Plan shall include irrigation details.
21. The applicant shall provide trees that reach a minimum height of twenty (20) feet within or adjacent to the parking lot at a minimum ration of one (1) tree for every five (5) parking spaces. As such, twelve (12) additional trees shall be provided. The applicant shall revise the Landscaping Plan to include four (4) trees, two (2) on the east side and two (2) on the west side of the leachfield area be planted, a tree planted between Buildings A and B and Buildings B and C within the ten (10) foot landscaping strip parallel to Highway 101. The remaining six trees shall be planted south of Building C.
22. LED light fixtures not exceed fifteen (15) feet in height shall be used and be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.
23. The applicant shall screen (fencing or landscaping) all freestanding equipment, including propane tanks, back-up generators and HVAC equipment. If roof-top HVAC systems are proposed, they be shall placed on the back side of the roofs and screened.
24. The applicant shall provide two (2) outdoor gathering areas with benches and picnic tables. One (1) at the north end of the site and one (1) at the south end of the site.
25. Any proposed signage shall comply with the City Sign Regulations in effect at the time.
26. The applicant shall install fire hydrants in a location acceptable to the Fortuna Fire Protection District. The proposed location of the fire hydrants shall be shown on the required Improvement Plans.
27. Future construction of the buildings will be required to comply with local, state and federal flood regulations.

Operational Conditions

1. All outdoor storage materials and equipment shall be screened from public view.
2. The building, parking lot, stripping and landscaping shall be maintained in good condition. The stripping shall be permanently maintained in a clear and visible manner.
3. The storm drain system, including the pervious valley gutter shall be maintained to ensure it works properly.
4. Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

Informational Notes

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Bear River Band of the Wiyot Nation, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.
2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

RESOLUTION NO. PC 125-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE MOUNTAIN INVESTMENTS
DESIGN REVIEW CONDITIONAL USE PERMIT.**

WHEREAS Mountain Investments has submitted an application for a Design Review Conditional Use Permit for three (3) two story buildings located at the Humboldt Rio Dell Business Park; and

WHEREAS the applicant is proposing two (2) buildings of 19,200 square feet each and a third building of 12,000 square feet; and

WHEREAS the property is zoned Industrial Commercial (IC); and

WHEREAS the purpose of the Industrial Commercial zone is to provide for industrial and commercial uses; and

WHEREAS the buildings are proposed to be used for cannabis related activities; and

WHEREAS the applicant is requesting that temporary facilities be allowed; and

WHEREAS temporary facilities are allowed, provided the applicants have applied for and obtained a Building Permit for one of the buildings; and

WHEREAS the buildings are subject to the City's Design Review regulations, Section 17.25.050 *et seq* of the Rio Dell Municipal Code; and

WHEREAS the City processed the application pursuant to Section 17.25.050 of the Rio Dell Municipal Code; and

WHEREAS the project as conditioned is consistent with the City's adopted Design Review Guiding Principles and Concepts, which are:

- To encourage high quality land/site planning, architecture and landscape design;
- To ensure physical, visual, and functional compatibility between uses; and

- To ensure proper attention is paid to site and architectural design, thereby protecting land values.

WHEREAS the proposed project has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that *as conditioned*:

- The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of Rio Dell Municipal Code; and
- The proposed use is consistent with the General Plan and any applicable specific plan; and
- The proposed use is consistent with the City's Design Review regulations; and
- The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community; and
- The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of existing or anticipated buildings on adjoining and nearby properties; and
- The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
- Based on the nature of the project and the recommended conditions of approval, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. Based on the nature of the proposed development, staff believes there is no evidence to suggest that the site design and the design of the buildings will have a *significant* effect on the environment.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on May 22, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 125-2018 adopted by the Planning Commission of the City of Rio Dell on May 22, 2018.

Karen Dunham, City Clerk, City of Rio Dell

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 22, 2018

☐ Consent Item; ☒ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director

A handwritten signature in black ink, appearing to be "K. Caldwell", enclosed in a circular mark.

Through: Kyle Knopp, City Manager

A handwritten signature in blue ink, appearing to be "K. Knopp", written over the text "City Manager".

Date: May 14, 2018

Subject: Mountain Investments Cannabis Activity Conditional Use Permit
File No. 205-111-040; Case No. CCLUO-CUP 18-03

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding the proposed Conditional Use Permit;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Assuming that public testimony is substantially in support of the proposal, find that:
 - (a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;
 - (b) The proposed use is consistent with the general plan and any applicable specific plan;
 - (c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

(f) The Conditional Use Permit has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA);

4. Adopt Resolution No. PC 126-2018 approving the Conditional Use Permit, subject to the Conditions of Approval, Exhibit A.

Background

The Conditional Use Permit is for the cannabis related activities. **Attachment 1** includes the Plan of Operations for the proposed uses. The Plan of Operations addresses, employees, sanitary conditions, employee safety practices, including emergency response planning and reporting, personal protective equipment, materials handling, traffic, security, waste management, etc. The Planning Commission is scheduled to consider the Design Review CUP prior to the Cannabis CUP.

An application for a Conditional Use Permit (CUP) for commercial cannabis activities including Volatile/Non-Volatile Manufacturing, Infusion Manufacturing activities (commercial kitchen), Cultivation, Nursery/Propagation activities, Processing/Packaging, Distribution, and Testing activities (To be held by tenant). The cannabis activities will occur in three (3) two-story buildings. Two buildings (Building's A & B) will be 19,200 square feet and the third building (Building C) will be 12,000 square feet.

Building A will include volatile and non-volatile manufacturing, processing, packaging, distribution (storage), a lobby/receptions area, a couple of offices, men's and women's locker rooms with showers and restrooms.

Building B will be primarily dedicated to cultivation activities, including a "mother" room, a propagation room to "veg" the starts or clones, seven (7) grow rooms, a drying/curing room, a processing (trimming/packaging) room, non-volatile manufacturing/infusion (commercial kitchen), restrooms, offices, storage and water filtration/recycling room.

Building C will include the testing laboratory, a conference room, a break room, bathrooms, offices and secured storage rooms.

In addition, the applicant is requesting that temporary facilities be allowed. Temporary facilities are allowed, provided the applicants have applied for and obtained a Building Permit

for one of the buildings. The Temporary Site Plan and Plan of Operations are included as **Attachment 2**. The temporary facilities include an administrative office, a processing/packaging/distribution unit, a C1D1 8' x 40' FlexMod volatile manufacturing unit, two ADA portable restroom facilities, 10,000 gallons of water storage, waste receptacles, cannabis waste facilities and a storage facility for the gases (solvents).

The applicant is proposing a six (6) feet chain link cyclone fence topped with barb wire around the perimeter to the temporary site. In addition, security cameras will be placed to monitor the site and the interiors of the C1D1 manufacturing unit and the processing/packaging/distribution unit. The project has been conditioned accordingly. **Please see Exhibit A.**

Required Findings/Staff Analysis

Section 17.35.030 Rio Dell Municipal Code (RDMC) Conditional Use Permits.

1. Zoning Consistency

(a) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other City ordinances;

Land Use: The property is zoned Industrial Commercial (IC). The purpose of the Industrial Commercial zone is to provide for industrial and commercial uses. Again, the applicant is proposing three (3) commercial buildings. The buildings will be used for cannabis activities. Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the former Eel River Sawmill site, now known as the Humboldt Rio Dell Business Park with a Conditional Use Permit (CUP).

All cannabis applications for the required Conditional Use Permit requires the submittal of a completed application form, evidence of ownership, a Site Plan, a Plan of Operations which is required to include the following:

- A complete project description including the proposed use(s), hours and days of operation, number of employees, and the duration (temporary, seasonal or permanent) of the operation.
- The number of daily and/or weekly incoming and outgoing deliveries
- A Security Plan that addresses the cultivation, storage, processing, manufacturing and testing of any cannabis, including but not limited to video monitoring and commercial alarm systems.

- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- A description of the storage or use of any solvents, fertilizers, pesticides, fungicides, rodenticide, or herbicides.
- A description of any discharge or emissions the operation will generate.
- A description of any noise level increase as a result of the operation.
- A description of the operation's use of public facilities such as roads, water or sewer systems.
- A description of any proposed water source, storage, conservation and use; drainage, runoff and erosion control; watershed and habitat protection.

The applicant has submitted a very comprehensive Plan of Operation addressing the above elements. Again, the Plan of Operations for the permanent facilities is included as **Attachment 1** and an abbreviated Plan of Operations for the temporary facilities is included as **Attachment 2**.

Cultivation

Again, Building B will be primarily dedicated to cultivation activities, including a "mother" room, a propagation room to "veg" the starts or clones, seven (7) grow rooms, a drying/curing room, a processing (trimming/packaging) room, non-volatile manufacturing/infusion (commercial kitchen), restrooms, offices, storage and water filtration/recycling room.

The applicant is proposing about 7,250 square feet of indoor cultivation. Indoor cultivation limits are not based on parcel sizes.

Indoor Cultivation Industrial Commercial (IC) Designations

State License Type	Allowable Canopy
"Specialty Indoor"	5,000 sq. ft.
"Small Indoor"	10,000 sq. ft.
"Medium Indoor"	22,000 sq. ft.

Performance Standards for all Cultivation Operations:

Below is a copy of the City's applicable Cultivation Performance Standards for indoor cultivation in the Industrial Commercial (IC) zone.

- The storage or use of any fertilizer, pesticide, fungicide, rodenticide, or herbicide shall be in compliance with the manufacture's recommendations and regulations administered by the State Department of Pesticide Regulation. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA).
- Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties from cultivation and processing facilities.
- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- Electricity for Indoor cultivation activities shall be provided by any combination of the following:
 - (i) On-grid power with 42 percent renewable source.
 - (ii) Onsite zero net energy renewable source providing 42 percent of power.
 - (iii) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.
 - (iv) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries

managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

- Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.
- Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.

Below is a partial copy of the Plan of Operations *Cultivation* information. The entire Plan of Operations is included as **Attachment 1**.

The Project proposes 7,280 sq. ft. of Type 2A of indoor cultivation operating on cycles of vegetation/flowering and 2,750 sq. ft of Type 4 nursery activities in the form of a total of 9 designated rooms that would be serviced entirely by artificial light. Indoor cultivation activity will run up to three rooms of flowering at a time for a total of 3,120 sq. ft. of space to be harvested simultaneously.

Water for the Project would be sourced from one (1) interior water storage tank and one (1) water filtration tank system supplied by City of Rio Dell Municipal Water.

The cultivation facility will be supported by six (6) 1000-watt HPS Gavita systems/room (totaling forty-two (42) systems. Each room will also feature a filtered air intake system, and water runoff will be collected through a floor drainage system to be recovered in the closed loop water filtration system. Odor control will be implemented through the EverClear CM-11 System proposed in the Inventory and the Odor control portion of this plan.

As the Commission is aware, staff has been recommending the incorporation of in-floor drains for indoor cultivation activities in case of accidental over-watering or spills. As indicated above the applicant is proposing in-floor drains in a closed loop system so that any excess water would be recovered and recycled. The project has been conditioned accordingly. **Please see Exhibit A.**

The cultivation aspect of the project as proposed and recommended conditions complies with the City's cultivation regulations.

Manufacturing

Again Building A will include volatile and non-volatile manufacturing, processing, packaging, distribution (storage), a lobby/receptions area, a couple of offices, men's and women's locker rooms with showers and restrooms.

A State Type 7 license allows for extractions using volatile solvents, nonvolatile solvents or mechanical methods. "Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include but are not limited to, butane, hexane, propane, and ethanol. "Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent. The State considers carbon dioxide a nonvolatile solvent.

All volatile extractions are required to occur in a spark-proof, explosion-proof room that will be equipped with evacuation fans and lower explosive limit detectors. Staff has conditioned the project accordingly. Blast resistant rooms used for volatile manufacturing are classified as a Class 1, Division 1 (C1D1)

A Type 7 licensee may also conduct infusion operations. "Infusion" means a process by which cannabis, cannabinoids, cannabis concentrates, or manufactured cannabis are directly incorporated into a product formulation to produce a cannabis product. These products typically include creams, lotions, tinctures and other similar products. Infusion also includes the production of edibles. The project does include a commercial kitchen in Building B

In addition, to the operating protocols in the Plan of Operation, the applicant is required to comply with the following manufacturing performance standards found in Section 17.30.195(12) of the Rio Dell Municipal Code (RDMC).

Performance Standards for Manufacturing Activities:

- Compliance with CAL/OSHA, OSHA regulations.
- Compliance with State and local building regulations, including the California Building Code (CBC) and the California Fire Code (CFC).
- A Security Plan that addresses how the following measures shall be implemented or complied with:
 - Entrance to the extraction areas and any cannabis storage areas shall be locked at all times, and under the control of facility staff.
 - Cannabis shall be stored in buildings that are completely enclosed, and in a locked vault or safe, or other secured storage structure which is bolted to the floor or structure of the premises.
 - Windows and roof hatches of the premises shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable building provisions in the Code.

- If using CO₂ in processing, a professional grade closed-loop CO₂ gas extraction system rated to a minimum of fifteen thousand (15,000) pounds per square inch (PSI) is required for every vessel in the system.
- Extraction processes shall use a commercially manufactured professional grade closed-loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted sound engineering practices, such as (i) The American Society of Mechanical Engineers (ASME); (ii) American National Standards Institute (ANSI); (iii) Underwriters Laboratories (UL); or (iv) The American Society for Testing and Materials (ASTM).
- Volatile extraction operations shall occur in a spark-proof, explosion-proof room equipped with evacuation fans and lower explosive limit (LEL) detectors.
- Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties.
- A Waste Management/Disposal Plan shall be submitted describing any produced wastes, including by-products, recycling, reusing, recovery, storage, diversion and handling and disposal.
- Manufacturers of edibles shall comply with the regulations in the California Health and Safety Code, which includes the California Retail Food Code administered by the California Department of Health Services - Food and Drug Branch, California Department of Food and Agriculture and the County Department of Environmental Health.
- Comply with any special conditions applicable to that permit or parcel which may be imposed as a condition of the required Conditional Use Permit.

The applicants Plan of Operation demonstrates compliance with the adopted performance standards. It should be noted again that the extraction manufacturing will occur in C1D1 prefabricated a spark-proof, explosion-proof units equipped with evacuation fans and lower explosive limit (LEL) detectors. There are no windows in these units. The project is recommended to be conditioned accordingly to ensure compliance. **Please refer to Exhibit A.**

Processing and Distribution

Buildings A and B will include processing, packaging and distribution activities for products produced on-site and off-site. Below are the Plan of Operation's protocol for processing and distribution.

The State also has packaging and labeling requirements for cannabis products and nonmanufactured cannabis products. "Nonmanufactured cannabis product" means dried flower, shake, leaf, and pre-rolls intended to be sold for use by medical cannabis patients.

Below is a copy of the State's packaging and labeling requirements. The labeling and packing requirements for cannabis products, which includes everything except nonmanufactured cannabis products, are virtually the same.

Packaging Cannabis Products for Distribution.

A package used to contain a cannabis product shall adhere to the following requirements:

- (a) The package shall protect the product from contamination and shall not expose the product to any toxic or harmful substance;
- (b) The package shall be tamper-evident, which means that the product is packaged in a container within which a product is sealed so that the contents cannot be opened without obvious destruction of the seal; and
- (c) The package shall not imitate any package used for products typically marketed to children.

Labeling Cannabis Products for Distribution.

The following labeling requirements shall be implemented within 180 days of licensure, or by December 31, 2018, whichever is sooner:

- (a) Any information required to be listed on a label shall be written in English;
- (b) Label and all required label information shall be unobstructed and conspicuous;
- (c) The label shall be in a text size no less than 6 point font and be in relation to the size of the container; and
- (d) The label shall include the following information:
 - (1) The applicable requirements of Section 19347 of Business and Professions Code;
 - (2) The net weight of the contents in the package; and
 - (3) The unique identifier assigned by the track-and-trace system as required by Section 8402 of this Chapter.

The project is recommended to be conditioned accordingly to ensure compliance. **Please refer to Exhibit A.**

RDMC Security Provisions

The Plan of Operations also includes the required Security Plan that includes, describes and addresses the following required elements:

- Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 720 concurrent hours of digitally recorded documentation in a format approved by the Planning Commission. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the Planning Commission.
- The facility shall be alarmed with an audible interior and/or exterior silent alarm system that is operated and monitored by a recognized security company, deemed acceptable by the Planning Commission. Any change in the security company shall be subject to the approval of the City Manager or his designee. All current contact information regarding the cannabis facility's security company shall be provided to the City Manager or designee.

The above required provisions have been included as conditions of approval. **Please refer to Exhibit A.** Below is a copy of the Security portion of the Plan of Operations. Again, the entire Plan of Operations is included as **Attachment 1**.

Security Plan

The Security Plan details efforts to prevent loss and diversion of cannabis products, ensure safety, and implementation of a tracking system to account for product(s) throughout the chain of distribution. Security features of the proposed CF will reduce criminal activities and would include the following measures: Exterior lighting, alarms, security cameras, and optional hardening measures.

The proposed CF features security measures involving the following processes/mechanisms:

- 1. Customer verification checkpoint: Customers will be received at initial security checkpoint. Customers will then be received at front desk for verification of identification and/or licensure.*
- 2. Video cameras: The proposed CF employs twenty (20) video cameras capturing continuous video during continuous hours. Recordings are archived and retained for a minimum of thirty (30) days.*

3. *Alarms: Alarms system will be designed and installed for the facility serviced by Advanced Security Systems. Together, these alarms would trigger a security process that, when necessary, contacts local law enforcement to prevent theft and diversion of product.*

Hardening measures: The facility is currently equipped with one metal doorway to the delivery entrance and plans to implement additional hardening measures on one (1) entryway to service entrance, one (1) entryway to back entrance, and deadbolts on all access doors. The premises sponsor proposes to complete secure rod iron fencing around property perimeter of eight (8) feet in height.

Several security measures would be involved in the comprehensive protection of cannabis products. These include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, and fencing.

Security measures for this project would encompass, at a minimum:

- *• Locked containment for product storage (to be developed).*
- *• Surveillance and monitoring systems (to be developed as per the State's requirements).*
- *• Alarm System.*
- *• Secured entry into working part of the facility (Building A and B)*

Staff has conditioned the project to require video monitoring of each of the rooms in all of the proposed buildings. **Please see Exhibit A.**

The State will also require a security plan as well. Below are the State's required security plan regulations. The project is conditioned to comply with the State's requirements as well.

§40200. Security Plan. Every applicant and licensee shall develop and implement a security plan. At minimum, the security plan shall include a description of the security measures to be taken to:

(a) Prevent access to the manufacturing premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:

(1) Establishing physical barriers to secure perimeter access and all points of entry into a manufacturing premises (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);

(2) Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;

- (3) Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;
 - (4) Maintaining the premises such that visibility and security monitoring of the premises is possible; and
 - (5) Establishing procedures for the investigation of suspicious activities.
- (b) Prevent against theft or loss of cannabis and cannabis products. This includes but is not limited to:
- (1) Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the manufacturing process;
 - (2) Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
 - (3) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
 - (4) Providing designated areas in which personnel may store and access personal items.
- (c) Secure and back up electronic records in a manner that prevents unauthorized access and that the integrity of the records is maintained.

The project is recommended to be conditioned accordingly to ensure compliance. **Please refer to Exhibit A.**

Waste Management

The Plan of Operations also includes the required Waste Management Plan for the proposed operations. See pages 62 – 67 of the Plan of Operations.

It should be noted that ***Recology*** has indicated that they do haul and dispose of non-hazardous cannabis waste. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations. The project has been conditioned accordingly. **Please see Exhibit A.**

2. General Plan Consistency

(b) The proposed use is consistent with the general plan and any applicable specific plan;

The General Plan designation is also Industrial Commercial. The purpose of the Industrial Commercial designation is to provide for industrial and commercial uses. All the uses would be considered principally permitted uses if the activities did not involve cannabis.

The proposed uses are consistent with the following General Plan goal: "To promote a variety of commercial uses and allow light manufacturing in appropriate commercial areas."

There are no goals or policies which would preclude the proposed use in the Industrial Commercial designation. Therefore, the proposed use as conditioned is consistent with the General Plan.

3. Land Use Compatibility

(c) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

Again, this required finding was made in regards to the design, location and size of the buildings as part of the Design Review approval. Based on the recommended conditions of approval, including the City's Performance Standards and the State regulations, staff believes the project can be found to be consistent with the existing and future land uses in the vicinity.

4. Site Suitability

(d) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;

The project site is subject to flooding. Section 17.30.140 of the RDMC requires that if a proposed building site is located in a flood zone, any proposed new construction or substantial improvement, must:

- (a) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structures;
- (b) Use construction materials and utility equipment that are resistant to flood damage; and
- (c) Use construction methods and practices that will minimize flood damage.

In addition, to our local regulations, the project is also subject to FEMA's flood regulations (Title 44 Code of Federal Regulations, Section 61.7 and 61.8) which require that the first floor of the

structure be located one foot above the Base Flood Elevation (BFE). As such a Flood Elevation Certificate is required, this identifies among other site features, the BFE and the elevation of the floor of the building. Staff conditioned the Design Review project accordingly.

Of course access to the project site is from Highway 101. In regards to access, the City commissioned a Traffic Impact Study (TIS) with W-Trans out of Santa Rosa. Based on current and future conditions, W-Trans concluded that the access to and from the Business Park is adequate.

However Caltrans has suggested some potential improvements, including the expansion of the left turn pockets (queuing), acceleration and deceleration northbound lanes and southbound staging/merging areas for vehicles exiting the business park. Staff and the stakeholders met with Caltrans representatives at a recent meeting and discussed the recommended improvements and the possibility of extending the cable median/barrier through the intersections to eliminate traffic crossings. Staff has asked that Caltrans identify their preferred improvements, either the changes to the turn pockets, etc. or the installation of a cable median barrier through the intersections. Staff also requested that Caltrans identify a threshold (i.e. number of trips in and out of the Business Park) that would trigger additional improvements.

Any improvement costs will be shared among the developers based on the number of daily trips generated by their uses. The project has been conditioned accordingly. **Please refer to Exhibit A.**

Based on information on file and the recommended conditions of approval, staff believes the site is physically suitable for the intended uses.

5. Public Interest, Health, Safety and Welfare

(e) Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located;

The new construction is subject to the California Building Codes, including the California Fire Code, which includes standards to ensure that the buildings are constructed to minimum safety standards. Again, based on information on file and the recommended conditions of approval, staff believes there is no evidence to suggest that the proposed project will be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

6. California Environmental Quality Act

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project. Based on the Environmental Impact Report (EIR) prepared as part of the annexation of the area into

the City which analyzed potential industrial uses and the nature of the project, including the proposed operating protocols and recommended conditions of approval, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Based on the nature of the proposed projects, staff believes there is no evidence to suggest that the projects will have a **significant** effect on the environment.

Attachments:

Attachment 1: Plan of Operations and Floor Plans.

Attachment 2: Temporary Use Plan of Operations and Site Plan.

Attachment 3: Exhibit A, Conditions of Approval for Temporary Use and Permanent Facilities.

Attachment 4: Resolution No. PC 126-2018.

Operations Manual
for
Mountain Investments, Inc.
Non-Volatile/Volatile Manufacturing,
Processing/Packaging, Testing, Distribution, Indoor
Cultivation, Nursery
3/19/18

Produced By:

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732 5th St. Suite H & I, Eureka, CA, 95501°(707)798-6199°agdynamix.com

Project Name	MOUNTAIN INVESTMENTS
Project Location	550 Northwestern Ave. Rio Dell, CA, 95562
Project Sponsor	MOUNTAIN INVESTMENTS 35 LYNN DR. NAPA, CA, 94558
Sponsor Contact	Collin McCluskey, 707-616-1887 Jess Bareilles, 707-267-8128
Permitting Agency	AgDynamix, LLC Teisha Mechetti 707-798-6199
APN	205-111-040
Existing Zoning Designation	Industrial Commercial (IC)

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Industry Analysis

Industry regulations have been enacted at the State, County, local and—in some instances—municipal levels. The proposed Project will adhere to all applicable regulations.

A complex framework of regulatory laws influences cannabis cultivation regulations pertaining to the proposed Project, including Proposition 215, the Compassionate Use Act, Senate Bill 420, and the Medical Cannabis Regulation and Safety Act (MCRSA), and Proposition 65 (Prop 64) or the Adult Use Marijuana Act (AUMA), and most recently the Medical Adult Use Cannabis Regulation Safety Act (MAUCRSA).

Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018). Some local jurisdictions in California, to date, have established and implemented regulations to per miss, permit, and/or license cannabis business operations.

In November 2016, the AUMA legalized “recreational” cannabis possession, consumption, and personal indoor cultivation, but had no effect on medical marijuana permitting or licensing.

On June 27th Senate Bill 94, otherwise known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) by Governor Jerry Brown in efforts to consolidate the two legislative pieces put in effect to govern commercial medical and recreational cannabis activities, otherwise known as the consolidation of the MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that we were working within prior to its effect.

State Regulatory Framework

With the passage of the Compassionate Use Act (Proposition 215) in 1996 and the Medical Marijuana Program Act (MMPA) in 2003 (Senate Bill 420), California created a system of possession and cultivation limits, a voluntary identification program, and assurance of a non-diversionary system of medical cannabis cultivation and dispensation. The intent of these legislative efforts was to clarify the scope of application, prevent arrest and prosecution, promote uniform application, increase accessibility of product, and address issues within the act to promote fair and orderly implementation.

In September 2015, the California State legislature enacted three bills under the MCRSA, consisting of AB-243, AB-266, and SB-643. Each bill addresses various issues pertaining to licensing and regulatory requirements involving medical cannabis cultivation, manufacturing, transportation, distribution, sales, and testing. These bills became effectual January 1, 2016, with State licensing to open on January 1, 2018.

The MCRSA establishes a multiagency framework to regulate commercial cannabis. The foundation of MCRSA is: “No person shall engage in commercial cannabis activity without possessing both a State license and a local permit, license, or other authorization.” This legislation provides for the licensure of commercial cannabis activity in California, strengthens environmental protections, and creates licensing opportunities for small and specialty cultivators.

Assembly Bill 243 (AB-243) requires the CDFA, CDFW, and State Water Resources Control Board (SWRCB) to promulgate regulations and standards pertaining to medical cannabis cultivation efforts, mitigate impacts on environments, and coordinate enforcement efforts with State agencies.

Assembly Bill 266 (AB-266) addresses the licensure and regulation of medical marijuana for which the framework is primarily the responsibility of the Bureau of Cannabis Control (BCC) to enforce under the Department of Consumer Affairs' (DCA) and the Bureau of Medical Cannabis Regulation. Collaboratively, the Board of Equalization (BOE) and the CDFA are responsible for tracking and reporting the movement of cannabis goods throughout the State.

Senate Bill 643 (SB-643) addresses the setting of standards on behalf of physicians and surgeons prescribing medical cannabis and requires the Medical Board of California (MBC) to implement investigations of physicians who repeatedly or excessively prescribe medical cannabis to customers without good faith exemption. This bill requires the BMCR to gather fingerprints to conduct criminal history background checks.

This Act also grants the DCA sole authority to implement and govern the system for creation, issuance, renewal, discipline, suspension, or revocation of such licensure under the Bureau of Cannabis Control program. Additionally, the CDFA is responsible for administering provisions of the act related to or associated with cultivation and transportation of medical cannabis. This bill also authorizes counties and municipalities to propose and implement taxation on medical cannabis activity.

In addition to the initial framework developed to support local regulations and State licensing, there has been a broad legislative effort to institute clean-up bills to further clarify the scope and definitions under the MCRSA.

The Adult Use of Marijuana Act (AUMA), which passed in November 2016, has legalized adult use ("recreational") cannabis possession, consumption, and limited personal indoor cultivation. Because the AUMA legislation addresses only recreational cannabis issues, it currently has no effect on medical marijuana permitting or licensing.

On June 27th Senate Bill 94, also known as, the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA) signed by, Governor Jerry Brown, in efforts to develop a single regulatory structure that governs commercial medical and recreational cannabis activities, collectively known as MCRSA and AUMA. The merge of these two legislative pieces features changes to the licensing scheme that were in effect prior to the implementation of MAUCRSA.

The creation of MAUCRSA prompted 23 license type activities varying from Cultivation, Processing, Manufacturing, Packaging, Infusion, Testing, Retail, Distribution, and Microbusiness licenses. License types 5-5B will not be available until 2023. Across the license types they will be assigned either an "A" for Adult Use or "M" for Medical operations. The introduction of new license types Type 5-5B Cultivation, Processing, Manufacturer I and II, Packaging, Infusion, and Microbusinesses was an introduction of license types carried from the AUMA. The MAUCRSA also now excludes transportation as a license type. Furthermore, clarification of the fact, points concerning that event licenses are not prohibited under this framework were also clarified. The local authority could issue event permits for "onsite cannabis sales to, and consumption by, persons 21 years of age or older at a County Fair or District Agricultural Association Event".

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According to this legislation, an applicant may now pursue a State license without local approval, however, may not conduct activities until local approval is met, otherwise could prompt a violation that would make the State license applicant ineligible to hold the license.

Local Regulatory Framework

Under State legislation, MCRSA, municipalities possess the authority to set their own regulations pertaining to land use and commercial cannabis business activities. Local permitting must be obtained before seeking licensure at the State level (which becomes effective January 2018).

In October 2015, Humboldt County began its review process of the Commercial Medical Cannabis Land Use Ordinance (CMCLUO). This legislation governs commercial medical cannabis activities within the authority of the County of Humboldt and establishes zoning regulations, performance standards, and environmental compliance—as well as requiring proof of documentation. The ordinance went into effect February 26, 2016. The deadline for applicants was December 31, 2016.

On September 13, 2016 Humboldt County issued a correcting and clarifying document to address the elements of the CMCLUO that were not clear under the initial Ordinance No. 2544 and the implementation of the program.

An Environmental Impact Report is underway to assess the overall impacts of this program which could significantly affect the Commercial Cannabis Land Use Ordinance, once the results of the study have been considered.

March,

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Executive Summary

The Applicant seeks a Conditional Use Permit (CUP) for a Cannabis Facility (CF) in the form of three facilities to support a multitude of activities such as cultivation, nursery, manufacturing (Volatile/Non-Volatile), Infusion, Processing/Packaging, Distribution, and Testing within the authority of the City of Rio Dell.

Mountain Investments, Inc. is a for-profit corporation designed to conduct Agricultural activities and offer Management services.

Sponsor proposes to create up to fifty-five (55) jobs to the local Rio Dell area, and support agricultural labor with education, training, and quality work environments. This project site possesses features that will equip the project for maximum success within the City of Rio Dell and the State of California.

The parcel of question involves Parcel No. 205-111-040 and is measured at 2.39 acres and is zoned Industrial Commercial (IC) and qualifies for commercial cannabis activities within the authority of the City of Rio Dell. The applicant is pursuing a Conditional Use Permit (CUP) for cannabis activities, and will pursue licenses for Volatile/Non-Volatile Manufacturing, Infusion Manufacturing activities, Cultivation, Nursery/Propagation activities, Processing/Packaging, Distribution, and Testing activities (To be held by tenant).

To date the site has had a completed Traffic Study, and Water main calculations have been configured by A.M. Baird Engineering through the Glen White project to run water main hookups to each of the individual sites. Additionally, A.M. Baird has conducted a base foot elevation study for the general area surrounding the parcel in question for an adjacent project. A septic suitability report has been completed as a preliminary to identify the viability of a commercial scale septic system designed to support the three facilities grey/black water wastes. Preliminary data has been put together to prepare a grading plan to relocate the drainage ditch to the North end of a proposed road access and prepare the site for the building(s).

The infrastructure proposed is two (2) 9,600 sq. ft. buildings and one (1) 6,000 sq. ft. building developed under a two-phase plan. A temporary phase is being proposed to support the use of four (4) FlexMod skid systems intended for: one (1) Volatile Manufacturing, one (1) Processing/Distribution, one (1) administrative building, and one (1) restroom facility with external above ground septic reserve to be serviced regularly.

The buildings would solely be serviced by the water main to be developed and serviced by the City of Rio Dell. A temporary water solution will be implemented via a groundwater well to support temporary and long term back up water uses. Additionally, power would be supported by a three-phase power drop supplied by PG&E. Natural gas will also be supplied by PG&E to support the HVAC systems for the facilities. It is likely that due to the sensitivity of the operations there will be a plan for back-up power generation supplied by natural gas. Black and greywater wastes will be supported by a 3,500-gallon reserve and three (3) 90' leach fields. Septic designs are subject to change upon final occupancy calculations provided within this document.

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Project Timeline (Proposed)

Phase 0

- Obtain Conditional Use Permit.
- Obtain Well Permit.
- Install Groundwater Well.
- Obtain Encroachment Permits for Road Access.
- Obtain Grading Permit.
- Obtain Septic Permit.
- Obtain Building Permits.
- Run Power Drop.
- Run Water Main to Parcel.

Phase .5

- Grading for FlexMod Structures.
- Install four (4) Flex Mods to be used temporarily for Volatile Manufacturing, Processing/Distribution, Administrative, and Rest Facilities.

Phase 1

- Begin Drainage Relocation to Support New Improved Road Access.
- Grade Building Sites.
- Install Septic.
- Paving/ LID Drainage.
- Erect Building A & B Infrastructure.
- Finish Building B (First).
- Install Security.
- Launch Operations in Building B.
- Finish Building B (Second).
- Finalize Install of Security.
- Launch Operations in Building A.
- Move & Retrofit FlexMods inside of units within Building A.

Phase 2

- Erect Building C.
- Finish Interior Design.
- Finalize Install of Security.
- Launch Operations in Building C.

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Project Overview

The Project concerns Parcel No. 205-111-040 in Rio Dell, California that is seeking a Use Permit to conduct cannabis activities to support three multi-use facilities which will house volatile/non-volatile manufacturing, processing/packaging, distribution, indoor cultivation, nursery, and testing activities with consideration of a phased approach to development involving Phase .5/1/2/3 (See phased development in executive summary).

The Project parcel is zoned Industrial Commercial, which falls within the allowable zoning specified by the local authority.

Location Description

The proposed Project would occur on legal Parcel No. 205-111-040 at 550 Northwestern Ave. Rio Dell, CA, in the northwest and the northeast quarters of Section 36, Township 2 North, Range 1 West, Humboldt Meridian.

Zoning

The property features zoning Industrial Commercial and the following characteristics:

- GIS acres: 2.39 Acres.
- Coastal Zone: Outside.
- 100 Year Flood Zone: Inside.
- Alquist-Priolo Fault Hazard Zone: Outside.
- Geologic Unit: D
- FEMA FIRM Flood Rating & Panel Number: 1220F.
- Slope: <5%.
- Relative Slope Stability (Per General Plan Geologic maps): BO Relatively Stable.

Performance Standards

Setbacks

The proposed CF is approximately 1.5 distance miles from the nearest K-12 school (as measured in a straight line from the property line of the school to the closest property line of the lot on which the CF is located), outside of and fully complying with the 600-foot setback imposed by the City of Rio Dell. This setback requirement excludes any private schools where education is primarily conducted in private homes.

Performance Standards

Performance standards include nuisance mitigation (for noise, odors, light, and other potential hazards of the Project), setback requirements, and a consent to inspect.

The proposed Project area meets all setbacks required by the local authority and adheres to all other setbacks from neighboring parcels and property boundaries.

There are no known schools, school bus stops, public parks, places of religious worship, or Tribal cultural resources that are known within 600' to 1,320' of the cultivation area. Additionally, a 30' setback from the PG&E pole and 12' of overhead lines and property borders is satisfied.

Setbacks from nearby waterways adhere to the NCRWQCB and the CDFW's setback requirements. It is deemed that Environmentally Sensitive Habitat areas will not be impacted by the proposed Project.

The Project would mitigate the potential for existing nuisances, including odors, lights, sounds, and other nuisances that extend beyond the boundaries of an adjacent property, with adherence to State and local (County and/or municipality) regulations pertinent to this Project.

Best mitigation efforts:

- Odor: Scrubbers.
- Light: Escape shielding.
- Sound: Buffering.

Energy is to be supplied by 3-phase power to be supplied by PG&E to support the energy needs of all three proposed facilities.

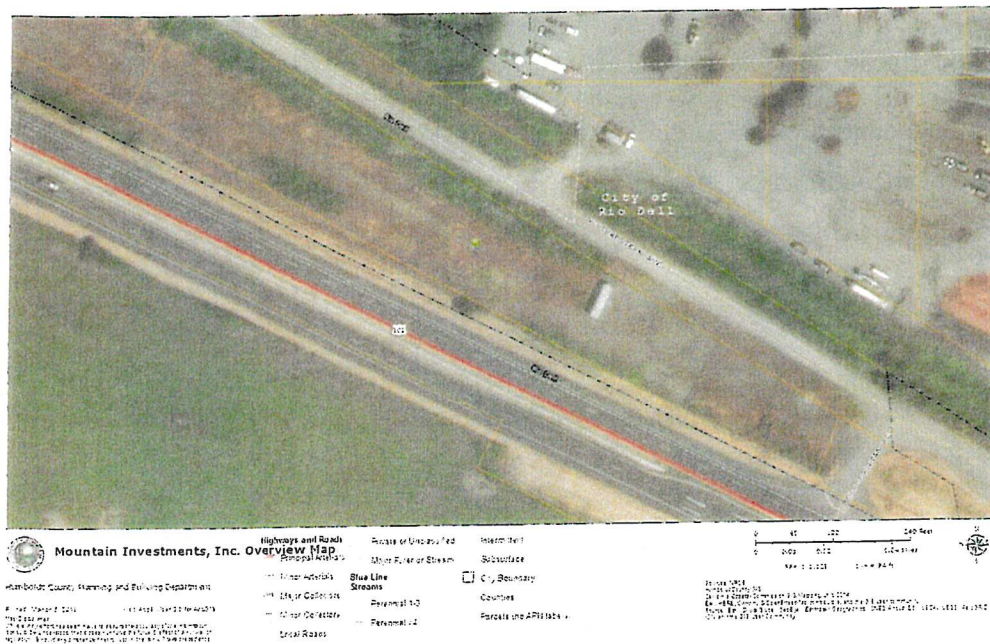
This section hereby grants to the relevant authority an authorization to conduct an annual compliance inspection with a minimum notice of 24 hours. The inspection would be conducted by officials during regular business hours (Monday-Friday, 9:00 am-5:00 pm), excluding holidays.

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Maps

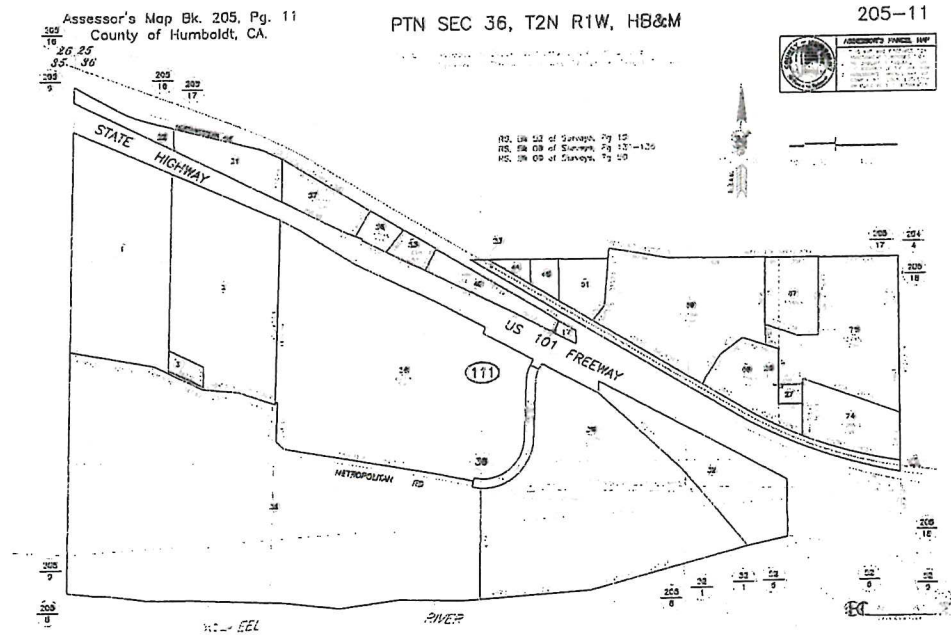
Overview Map



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Assessor's Parcel Map

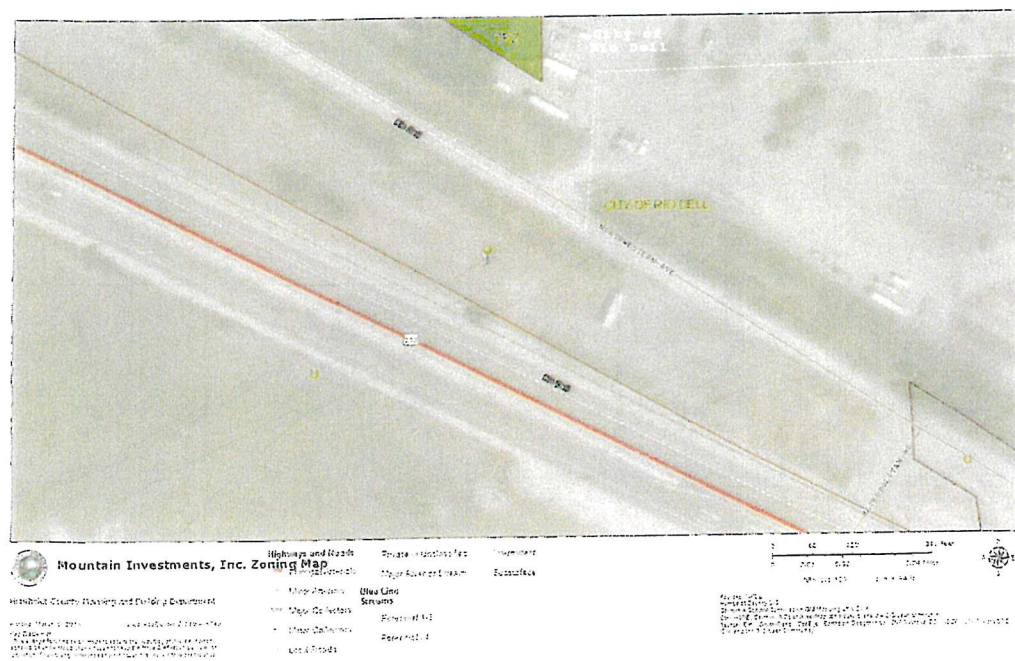


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Zoning Map

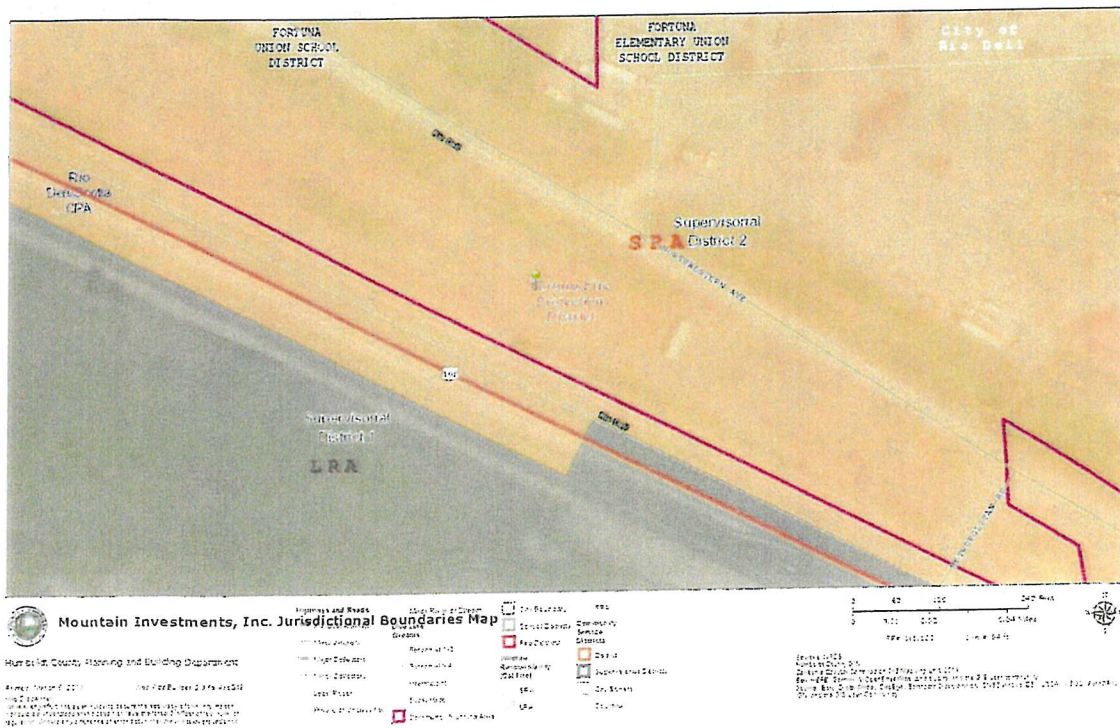
Jurisdictional Boundaries Map



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Land Use (Critical Facilities) Map



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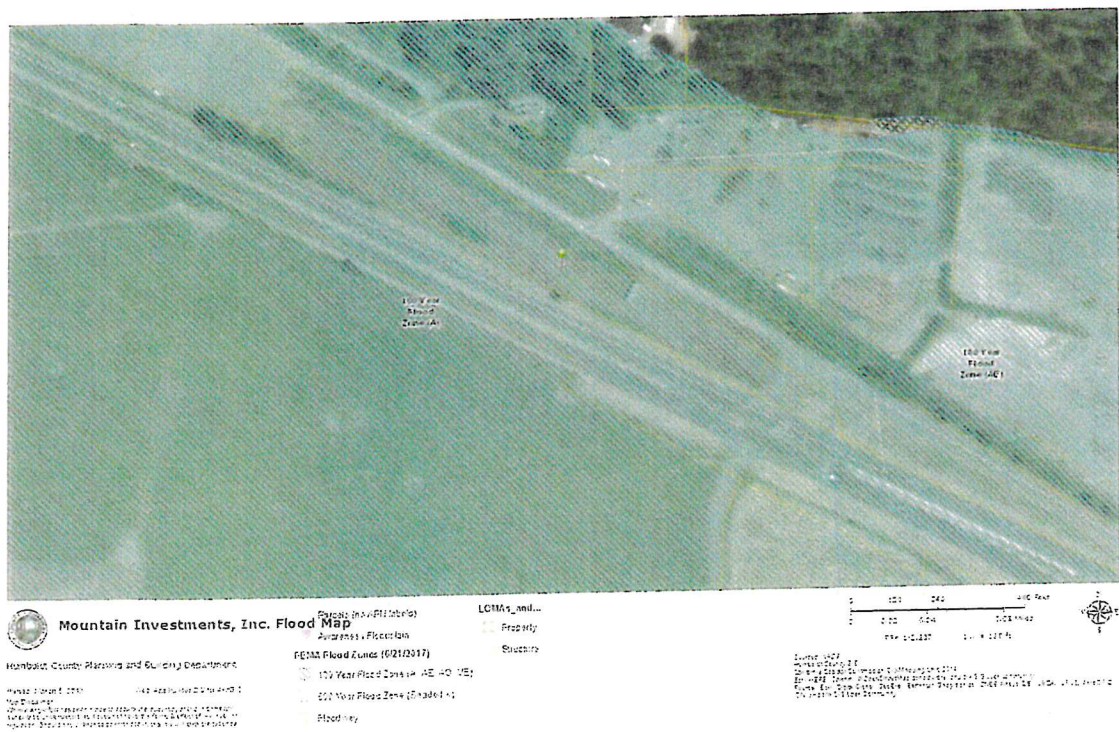
Streamside Management Areas Map



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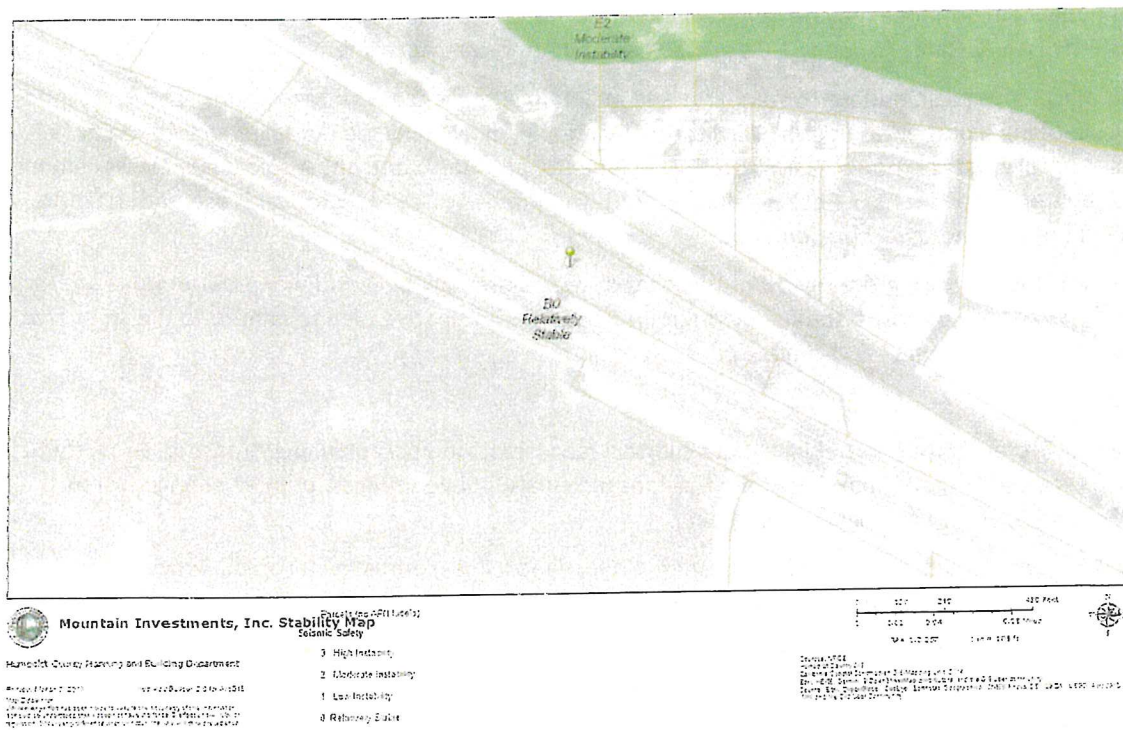
Flood Zones Map



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Stability Map



Environmental Impacts & Standards

Environmental impacts and standards include a comprehensive summary of all environmental elements related to the proposed Project. Impacts could include land use, development, pollutants, nuisances, and related environmental concerns. Federal and State standards have been set—with oversight from the United States Environmental Protection Agency (EPA) and the U.S. Department of Agriculture (USDA)—regarding potential environmental impacts caused by general industry applications.

Mitigation measures that can be employed for cultivation activities to prevent environmental detriment often feature the implementation of Best Management Practices (BMPs) suggested by the State Water Resources Control Board (SWRCB) under the Water Board Order and enrollment/compliance with the Waste Waiver Discharge (WWD) program through the North Coast Regional Water Quality Control Board (NCRWQCB). This can include the potential requirement for a Water Resource Protection Plan (WRPP). Additional conformance may be required with the California Department of Fish & Wildlife (CDFW) (formerly Fish & Game) under a Lake and Streambed Alteration Agreement (LSA-1600/1602).

All projects must also adhere to standards and maintain compliance with regulations set forth by the Division of Environmental Health (DEH) through a Contingency Plan (see *Contingency Plan* below) regarding all wastes (known as a Waste Management Plan). Applicants must also abide by regulations set forth by the Department of Pesticide Regulations (DPR) and the Tribal Historical Preservation Office (THPO) for archaeological preservation.

Often it is found, during the review of the Project, that there may be additional requirements and/or specific needs to support a sound environmental action or mitigative plan to adhere to the standards set under additional agency authority.

Potential Project impacts could include biological resources, land use/planning, transportation/traffic, agriculture and forestry, hazards and hazardous materials, public services, utilities/service systems, geology/soils, and hydrology/water quality.

Development impacts could include those regarding landscapes, infrastructure, roadways, and other environmental ramifications resulting from the Project.

Nuisance mitigation would include prevention of environmental impacts such as through odors, lights, and sounds that could potentially adversely affect neighboring properties or habitats. The proposed Project area would be required to meet all setback standards required by all agencies within the State of California and the local authority.

Background

On January 1, 1970, President Nixon signed the National Environmental Policy Act (NEPA). California Governor Reagan followed suit by signing the California Environmental Quality Act (CEQA) into law on September 18 of the same year. These laws required the incorporation of environmental values into governmental decision making. These statutes require Federal, State, and local agencies to analyze and disclose the potential environmental impacts of their decisions, and—in the case of CEQA—to minimize significant adverse effects to the extent feasible.

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NEPA was codified under Title 42 of United States Code § 4331 et seq. (42 U.S.C. 4331 et seq.). Under NEPA, Congress established the White House Council on Environmental Quality (CEQ) to ensure that Federal agencies meet their obligations under the Act. CEQ's Regulations for Implementing the Procedural Provisions of NEPA are found in Title 40 of the Code of Federal Regulations, § 1500 et seq. (40 CFR 1500 et seq.). In California, CEQA was codified under Division 13 of California's Public Resources Code (CPRC), section 21000 et. seq. (Cal. Pub. Res. Code § 21000 et seq.). The Guidelines for Implementation of the CEQA regulations are in Title 14 of the California's Code of Regulations (CCR), § 15000 et seq. (14 CCR § 1500 et seq.).

NEPA and CEQA are similar, both in intent and in their respective review processes (analysis, public engagement, and document preparation) that they dictate. Importantly, both statutes encourage a joint Federal and State review for projects that require both Federal and State approvals. In such cases, a joint review process can avoid redundancy, improve efficiency and interagency cooperation, and be easier for applicants and citizens to navigate. Despite the similarities between NEPA and CEQA, there are several differences that require careful coordination between the Federal and State agencies responsible for complying with the statutes. Conflict arising from those differences can create unnecessary delay, confusion, and legal vulnerability.

Federal, State, and local agencies have cooperated in the environmental review of projects ranging from infrastructural development to renewable energy permitting. As State and Federal governments continue to pursue shared goals, there will be a continued need for an efficient and transparent environmental review processes that meets the requirements of both statutes.

Recognizing the importance of implementing NEPA and CEQA efficiently and effectively, the CEQ and the California Governor's Office of Planning and Research (OPR) developed a handbook regarding conducting joint NEPA and CEQA review processes. The CEQ oversees Federal agency implementation of NEPA, which includes writing the CEQ NEPA regulations and preparing guidance and handbooks for Federal agencies.

OPR plays several roles in the administration of CEQA, including development of CEQA Guidelines in coordination with the California Natural Resources Agency, providing technical assistance to State and local agencies, and coordinating State-level review of CEQA documents. Agencies conducting an environmental review must also consider any additional requirements or deadlines established in the individual agency's administrative regulations or procedures that implement NEPA and CEQA. These requirements could prescribe additional or more stringent requirements than the CEQ regulations and CEQA guidelines.

The NEPA and CEQA handbook provides practitioners with an overview of the NEPA and CEQA processes and practical suggestions for developing a single environmental review process that can meet the requirements of both statutes. The handbook contains three main elements. First is a "Question and Answer" section that addresses the key similarities and differences between NEPA and CEQA. This section compares each law's requirements or common practices and identifies possible strategies for meeting the requirements of both laws. These strategies are not meant to prescribe methods that agencies must use; rather, the handbook provides suggestions that help agencies identify and analyze potential issues.

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Project-Specific Factors

The following table details any potential effects to environmental elements related to the Project:

<input checked="" type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input checked="" type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input checked="" type="checkbox"/>	Population/Housing	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Transportation/Traffic	<input checked="" type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

Mandatory Compliance Factors

In accordance with the State of California, it is a requirement that agricultural/industrial operation obtain the appropriate environmental filings to support land alterations, diversions, and discharges of affluent.

Water will be temporarily sourced from an onsite groundwater well. Project facility water demands are to be supported by the City of Rio Dell with the implementation of a water main being implemented by Glen White to support the industrial parcels water demands for long range planning projects.

No ISWDU Applies.

No SDU Applies.

No SIU Applies.

It was determined that a LSAA-1600/1602 will not be required for this Project. There will be culverts installed to a relocated drainage, however, it will not prompt a California Department of Fish & Wildlife (CDFW) notification. A third-party agent may conduct periodic inspections on behalf of CDFW to determine any additional applications for filing.

Initial inspections by the Regional Water Board regarding water usage and discharges will be conducted prior to cultivation and nursery activities to take place. The initial notice of intent and

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monitoring/reporting forms, under the WWD, will be filed with the North Coast Regional Water Quality Control Board (NCRWQCB) under the State's Water Boards (SWB) General Water Board Order. A reporting/recording system would be developed, monitored, and reported to comply with annual renewal requirements under this order.

The proposed Project could feasibly fall into Tier 2* due to the self-contained features of the project overall footprint impact, and water uses. It is deemed the Project does not pose a notable threat to the environment due to several conditions that are documented within this application.

A WRPP will be generated by one of our third party verified agents. This document is held by the third-party agent and applicant which maintained onsite to satisfy any request by the SWB. This ensures protection of nearby habitats via management of setbacks, spoils, management of runoff/discharges, use of DPR-approved inputs, correct use of fertilizer, and proper storage of fungicides, pesticides, and fuels.

The Project would adhere to DPR requirements and limitations regarding pesticide, fungicide, and rodenticide inputs for cannabis cultivation and management of pests and/or disease. Quality and consumer-safe production requires cannabis cultivation inputs that are approved as environmentally sound and deemed safe for human consumption.

There is no current archaeological inspection on file of which the permitting agent is aware. A study is believed to have been conducted within the past 30 years for prior development. Records may be accessible through Sonoma State University's Northwest Information Center (NWIC) and the local THPO.

Additional Compliance Factors

In 2015, the Legislature passed, and the Governor signed into law three bills (Assembly Bills 243 and 266, and Senate Bill 643) that create a licensing and regulatory framework for medical cannabis through the Medical Cannabis Regulation and Safety Act. Later this was updated through the MAUCRSA, Senate Bill 94. This legislation created the Bureau Cannabis Control within the Department of Consumer Affairs. It also divided the responsibility for state licensing between three state entities – the CA Department of Food and Agriculture, the CA Department of Public Health, and the Bureau of Cannabis Control, with the Bureau designated as the lead agency in regulating the cannabis industry in California. This agency is responsible for licensing concerning testing, retail, distribution, transportation, and microbusinesses.

As directed by the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act, the California Department of Food and Agriculture (CDFA) has written the proposed regulations to establish cannabis cultivation and processing licensing and a track-and-trace system, collectively referred to as Cal Cannabis Cultivation Licensing.

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OMCS was established in the Center for Environmental Health of the California Department of Public Health (CDPH) after the Governor signed into law the Medical Cannabis Regulation and Safety Act in 2015. The Act established a licensing and regulatory framework for the manufacturing, packaging, and infusion of cannabis in California.

The Medical Cannabis Regulation and Safety Act created the Bureau of Cannabis Control in the Department of Consumer Affairs, and tasked the following Departments to establish regulations for the cannabis industry:

CA Department of Consumer Affairs (Bureau of Cannabis Control): to license transporters, distributors, dispensaries, microbusinesses, and testing laboratories.

CA Department of Food and Agriculture (Cal-Cannabis Cultivation Licensing): to license cultivators and processors and will be responsible for implementing the Track-and-Trace System for plants from seed to sale.

CA Department of Public Health (Office of Manufactured Cannabis Safety): to license manufacturers of cannabis.

Project Management Plan

The proposed CF involves two (2) 9,600 sq. ft. buildings hereby referred to as Building A and Building B and one (1) 6,000 sq. ft. building referred to as Building C that will be constructed under a two phase plan that would feature a temporary plan to utilize four (4) temporary modular systems to support Processing/Distribution, Volatile Manufacturing, one Administrative building, and one (1) restroom facility.

Parking Spaces

Building #A is supported by thirty (30) parking spaces and one (1) ADA Parking space; Building #B is supported by eighteen (18) parking spaces; and Building #C is supported by twelve (12) parking spaces and two (2) ADA parking spaces; one designated for shared access between Building B and Building C (for verified customers and administrative support). The proposed CF is thirty (30) feet from the property line.

Emergency Measures

The building design will require sprinkler suppression, and the applicant proposed to install chemical suppression in the commercial kitchen, break room/mess hall, and the FlexMod units designed to support volatile manufacturing are pre-fabricated with chemical suppression and blast proofing. Employees will be trained to make the appropriate contact to both the Rio Dell Volunteer Fire Department and the Fortuna Fire Department.

Area Plan

The proposed CF cannabis facilities will be located at 550 Northwestern Ave. Rio Dell, CA, 95562 directly North of the City of Rio Dell town center on the east side of the US-101N corridor.

The proposed CF complies with all setbacks for K-12 schools, excluding any private schools in which education is primarily conducted in private homes. A detailed *Odor Control Plan* prevents the aroma of product from escaping the facility, ensuring no negative impact to the surrounding community.

As per the City ordinance a landscaping plan has been proposed for the Highway side of the lot as well as within the access perimeter of the facility. The highway side of the lot known as the Southern border would feature Escalonia, and the entry access will be a range between flowering perennials and a combination of dwarfing evergreen and traditional evergreen bushes.

The area surrounding the proposed CF features the following characteristics:

1. Distance to nearest K-12 school: +/- 1.5 miles.
2. Distance to closest official K-12 bus stop: N/A
3. Distance to closest church: >1 mile.
4. Distance to closest residential dwelling: .45 miles in either direction.
5. Number of adjacent properties: Five (5).
6. All property setbacks satisfied: Yes.
7. Zoning: Industrial Commercial (IC).

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Cannabis Safety Program

The chain of custody of all cannabis product will be tracked via the Humboldt County SICPA track and trace reporting program for proof of origin and the State's METRC reporting system. Safety and quality assurance measures will include batch testing by an independent, certified laboratory of all product sold to customer customers.

Cannabis Track and Trace Enrollment Verification

The Cannabis Track and Trace Enrollment Verification is featured in Appendix X: *Cannabis Track and Trace Enrollment Verification* and serves as proof of active enrollment and participation in this program. No Appendix X is available currently as this is still in concept phase.

Floor Plan (Building 1-3)

This Floor Plan provides details regarding each room of the proposed dispensary facility, including purpose, process, and dimensions. Security procedures for each room are detailed in the *Security Plan*.

No product is visible outside of the product dispensing area. To prevent unauthorized access by customers or other non-staff members, all cannabis product stored or contained outside the dispensing area (room) will be locked always (unless being accessed by staff members).

The proposed primary CF building is labelled as Building A equaling 9,600 sq. ft. on the far West edge of the parcel and is comprised of 9 designated areas on 1st floor and 10 designated areas on the 2nd floor, as listed below:

Building 1: Level 1 (West End of Lot)

1. ROOM 1: 1,625 sq. ft.; Nursery (Mothering Room).
2. ROOM 2: 1,125 sq. ft. Ancillary Propagation Room.
3. ROOM 3: 1,125 sq. ft. Ancillary Processing/Storage.
4. ROOM 4: 875 sq. ft. Ancillary Quality Control Storage.
5. ROOM 5: 875 sq. ft. Commercial Infusion Kitchen.
6. ROOM 6: 196 sq. ft. Office.
7. Remainder: 3,779 sq. ft. of Foyer, Access, Reception, and Supply Storage.

Level 2:

8. ROOM 8: 1040 sq. ft. Indoor/Veg Cycle Room.
9. ROOM 9: 1040 sq. ft. Indoor/Veg Cycle Room.
10. ROOM 10: 1040 sq. ft. Indoor/Veg Cycle Room.
11. ROOM 11: 1040 sq. ft. Indoor/Veg Cycle Room.
12. ROOM 12: 1040 sq. ft. Indoor/Veg Cycle Room.
13. ROOM 13: 1040 sq. ft. Indoor/Veg Cycle Room.
14. ROOM 14: 1040 sq. ft. Indoor/Veg Cycle Room.

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15. Remainder: 2320 sq. ft. of water storage, water filtration, access, stairwell access, and office.

The proposed primary CF building is labelled as Building B equaling 9,600 sq. ft. on the Central portion of the parcel and is comprised of 9 designated areas on 1st floor and 8 designated areas on the 2nd floor, as listed below:

Building 2: Level 1 (Central Portion of Lot)

1. ROOM 1: 875 sq. ft.; Volatile Manufacturing.
2. ROOM 2: 875 sq. ft.; Volatile Manufacturing.
3. ROOM 3: 875 sq. ft.; Volatile Manufacturing.
4. ROOM 4: 325 sq. ft. Ancillary Quarantine/Quality Control Storage.
5. ROOM 5: 875 sq. ft. Distribution/ Processing #1.
6. ROOM 6: 625 sq. ft. Processing #2.
7. ROOM 7: 625 sq. ft. Ancillary Cold Storage.
8. ROOM 8: 500 sq. ft. of Drying/Quarantine Storage.
9. ROOM 9: 196 sq. ft. Office.
10. Remainder: 3, 829 sq. ft. of Men's/Women's Locker/Restrooms, Access, and Lobby Reception/Receiving.

Level 2:

11. ROOM 8: 1000 sq. ft. Distribution #2.
12. ROOM 9: 750 sq. ft. Ancillary Product Storage.
13. ROOM 10: 750 sq. ft. Processing/Packaging #2.
14. ROOM 11: 625 sq. ft. Storage.
15. ROOM 12: 123 sq. ft. Broom Closet.
16. ROOM 13: 1500 sq. ft. Non-Volatile Manufacturing.
17. ROOM 14: 1500 sq. ft. Non-Volatile Manufacturing.
18. ROOM 15: 324 sq. ft. Electrical/Security.
19. ROOM 16: 450 sq. ft. Office.
20. Remainder: 2,578 sq. ft. of access, restroom and stairwell access.

The proposed primary CF building is labelled as Building C equaling 6,000 sq. ft. on the Eastern portion of the parcel and is comprised of 10 designated areas on 1st floor and 10 designated areas on the 2nd floor, as listed below:

Building 3: Level 1 (East End of Lot)

1. ROOM 1: 780 sq. ft. Office/Testing/Receiving.
2. ROOM 2: 507 sq. ft. Ancillary Product/Sample Storage.
3. ROOM 3: 877.5 sq. ft. Testing Laboratory.
4. ROOM 4: 226 sq. ft. Temporary Waste Storage Room.
5. ROOM 5: 348 sq. ft. Conference Room.
6. ROOM 7: 406 sq. ft. Breakroom/Mess/Hall.
7. ROOM 8: 203 sq. ft. Secured Storage.
8. ROOM 9: 196 sq. ft. Office #1.
9. ROOM 10: 490 sq. ft. Wholesale Storefront (Retail) Not intended for public use.

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10. Remainder: 1,987 sq. ft. of restroom, foyer, access, and stairwell access.

Level 2:

11. ROOM 11: 280 sq. ft. Secured Storage.
12. ROOM 12: 280 sq. ft. Secured Storage.
13. ROOM 13: 280 sq. ft. Secured Storage.
14. ROOM 14: 280 sq. ft. Secured Storage.
15. ROOM 15: 280 sq. ft. Secured Storage.
16. ROOM 16: 280 sq. ft. Secured Storage.
17. ROOM 17: 528 sq. ft. Secured Storage.
18. ROOM 18: 211.2 sq. ft. Secured Storage.
19. ROOM 19: 104 sq. ft. Office #2.
20. ROOM 20: 104 sq. ft. Office #3.
21. ROOM 21: 104 sq. ft. Office #4.
22. ROOM 22: 104 sq. ft. Office #5.
23. ROOM 23: 104 sq. ft. Office #6.
24. ROOM 24: 104 sq. ft. Office #7.
25. ROOM 25: 104 sq. ft. Office #8.
26. ROOM 26: 104 sq. ft. Office #9.
27. ROOM 27: 104 sq. ft. Secured Storage.
28. Remainder: 2,208 sq. ft. access, restrooms, and stairwell access.

****Outdoor Secured Chemical Storage Featured on East End of Lot.**

Energy Use Offset Measures

The proposed CF employees the following energy conservation measures:

1. Green Building Code Standard.
2. Solar Power Supplemental.
3. Grid Supply from the Scotia Co-generation Plant.

Odor Control Plan

Odor control involves two primary elements, active ventilation, and odor filtration. The applicant has developed an *Odor Control Plan* for the proposed CF. It features detailed odor control measures involving the following mechanisms and technologies, as provided below.

These mechanisms create a cannabis environment that involves absolutely no detectable odor from outside the facility, including anywhere on the site grounds. This diligence is performed to 1) enhance security and 2) maintain a healthy community environment.

Active Ventilation

The proposed CF features odor control measures involving the following mechanisms and technologies:

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1. Active ventilation & Air purifier system: Applicant proposes use of an EverClear CM-11 commercial air cleaner that is designed to use a combination of high efficiency filtration and absorbent technology to handle both airborne contaminants and odor/vapor removal (*See attached spec sheet*).

The project will be supported by the EverClear CM-11 commercial air cleaner that is designed to use a combination of high efficiency filtration and absorbent technology to handle both airborne contaminants and odor/vapor removal (*See attached spec sheet*).

Air Quality Engineering, Inc: High performance particulate and vapor filtration solution; EverClear CM-11 commercial air cleaner.

Length 46 5/8", Width 22 5/8", Depth 19 9/16", Weight 125 lbs.

Secondary Containment

All secondary containment of finished product is positioned within an air sealed, actively ventilated room that further minimizes the risk of the exit of odors, both inside and outside of the proposed CF facility.

Operational Plan

The Operational Plan covers many aspects of the business, including location, organization, and a description of the Project's business Sponsor that includes its mission, vision, and values. It also includes a description of what is produced by the Project, including sales and marketing efforts.

Project Summary

The organization of the Project Sponsor, Mountain Investment, Inc. is comprised of a single member, Collin McCluskey. The proposed CF will operate business activities from Monday thru Saturday, 6:00 am to 6:00 am for a 24-hour staff shift cycle of up to three (3) working shifts and will be open to the public during the hours of 9:00 a.m. and close at 5:00 p.m. Mountain Investment, Inc is expected to employ up to fifty-five (55) persons total with up to thirty-one (31) staff members per shift of up to 8 hours each day. Staff will be screened via background checks and a thorough interview process. One working staff member will be the manager/caretaker.

The chain of custody of cannabis product will be tracked via the State's designated Track and Trace System to minimize the threat of theft or diversion. Customers will be screened, validated, and registered via a thorough process that complies with all state, county, and local regulations. Customer records will be acquired and handled only by qualified staff and retained in compliance with all State recordkeeping guidelines. All chemicals will be reported into the CERS database and stored in fully sealed containers within a secure area of the proposed CF and accessed only by authorized staff.

Business Organization

Mountain Investment, Inc is a sole member Corporations operating under entity number 4089596 that features one member-manager. The member-manager is responsible for delegating primary activities pertinent to the organization's daily and future management.

Management Team

Collin McCluskey, Managing Member.

Jess Bareilles, Business Manager.

Overview

The Operations Plan of the proposed dispensary includes information regarding the following aspects of the proposed CF dispensary business:

- Member(s): Collin McClusky, CEO; Chief Executive Officer.
- Days/hours of operation: The proposed CF will be open for the public Monday thru Saturday from 9:00 am to 5:00 pm and will run business hours on up to three shifts for each activity during the hours of:
 - Security Personnel
 - 6:00 am- 2:00 pm
 - 2:00 pm- 10:00 pm
 - 10:00 pm- 6:00 am

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Manufacturing

- 6:00 am. to 2:00 pm.

-2:00 pm to 10:00 pm.

-10:00 pm- 6:00 am.

Infusion Kitchen:

6:00 am- 2:00 pm

2:00 pm-10:00 pm

Testing/Processing/Packaging/Distribution:

6:00 am- 2:00 pm

2:00 pm to 10:00 pm

Cultivation/Nursery:

9:00 pm- 5:00 am

Administrative:

-9:00 am- 5:00 pm

- **Staff shifts:** The proposed CF will maintain up to three (3) Staff shifts during working hours. Each day involves up to thirty-one (31) staff members per shift to support all operations, including a manager/supervisor. The peak staff load will be met during peak working hours.
- **Regulated chemicals storage:** Storage and procedures regarding use of regulated chemicals at the proposed CF is documented in onsite SDS binders.
- **Effluent discharge:** Cultivation effluents are cycled through water filtration system, black/greywater processed through onsite septic system, other discharges are processed through Hazardous Materials waste facility.
- **Staff screening process:** All staff members are thoroughly screened for their qualifications, including professionalism, education, and business ethics. This includes a criminal background check. Detailed of the Staff Screening Process will be available via the company's internal hiring processes and procedures.
- Cannabis product tracking and inventory controls are documented in the *Cannabis Safety Program* below).
- **Customer screening/registration/validation process:** Customers are qualified for admission to the proposed CF via a detailed Customer Screening Process outlined in the Customer Intake Process, on Pg. 40 of this application.
- **Customer record acquisition process:** The customer records acquisition process is detailed in Customer Intake Process.
- **Waste Management Plan.** Creation and management of waste by the proposed CF is documented in the Contingency Plan section of this application.

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Business Description

The primary goal of Mountain Investments, Inc. is, within the State of California, to conduct Agricultural activities and offer Management Services, within the State of California.

Mountain Investment, Inc is a for-profit entity with the mission of stimulating the Rio Dell Community by promoting economic growth, skill employment opportunities, and reviving the City center.

Mountain Investment, Inc visualizes a prosperous future for the City of Rio Dell through support of attracting new opportunities for residents and an opportunity for research and training for the professional cannabis industry.

Mountain Investment, Inc's values are founded on protecting local resources, sourcing local support, and offering opportunity to the community. Beyond this, MI, Inc. plans to foster prosperity for the community through its success and holds high regard to giving back to the community that fostered its success.

Days/Hours of Operation

The proposed facility hours will be operated Monday thru Saturday from 6:00 am to 6:00 am the following day. Except for the following holidays: New Years, Easter, Thanksgiving, and Christmas. Days and hours of operation are subject to change in the future. Any changes will be communicated to all pertinent jurisdictions within required time periods.

Staff Shifts

Security Personnel

6:00 am- 2:00 pm (Up to 2 persons/shift)

2:00 pm- 10:00 pm (Up to 2 persons/shift)

10:00 pm- 6:00 am (Up to 2 persons/shift)

Manufacturing

- 6:00 am. to 2:00 pm. (1 staff member/unit) = 3 staff.

-2:00 pm to 10:00 pm. (1 staff member/unit) = 3 staff.

-10:00 pm- 6:00 am. (1 staff member/unit) = 3 staff.

Infusion Kitchen:

6:00 am- 2:00 pm (Up to 4 staff/shift).

2:00 pm-10:00 pm (Up to 4 staff/shift).

Testing/Processing/Packaging/Distribution:

6:00 am- 2:00 pm (Up to 10 staff total).

2:00 pm to 10:00 pm (Up to 10 staff total).

Cultivation/Nursery:

9:00 pm- 5:00 am (Up to 3 staff).

Administrative:

-9:00 am- 5:00 pm (Up to 9 staff).

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Products & Services

Each facility intends to provide a specific services or product including, not limited to:

Wholesale Nursery Stock, Flower Production, Testing Services, Infusion Products, Non-Volatile/Volatile Manufactured goods, and Distribution/Processing/Packaging support activities for licensed businesses.

Mountain Investments would produce specialty agricultural cannabis and nursery stock to support the onsite cultivation of high-grade organically produced cannabis flower products that are tested and assured for quality. Cultivation byproducts of additional value would be transferred to licensed manufacturers (for the processing of extracts, concentrates, and topical products).

The primary designated use of the raw cannabis (flower) produced would be the treatment of customers with varying ailments and for recreational uses. Premium-grade cannabis can be consumed via multiple methods, including inhalation, ingestion, and dermal (topical) applications. Cannabis has proven to deliver positive efficacy for myriad ailments, conditions, and symptoms. Research is underway regarding additional benefits of cannabis.

Mountain Investments product would be distributed to cannabis consumers via wholesale distribution to retail dispensary locations. The quality, testing thresholds, and branding would target consumers who lead a Lifestyle of Health and Sustainability (LOHAS) and who prefer premium organically produced medicine.

Mountain Investments adheres to a robust system of chain of custody for recordkeeping and sourcing potential contamination of seed/nursery product, flower product, trim, or value-added byproducts. This system would serve to verify consumer safety of products during cultivation, processing, distribution, and wholesale/retail sales.

After testing and processing, products would be packaged per quality control standards and in tamper-proof packaging that does not appeal to minors. Products packaged in larger volumes would be distributed directly to consumers and retail outlets. Individual consumer labelling may be applied at the distributor or retailer level, after transfer of ownership in the chain of custody. If the business chooses to protect its branding through the Agricultural Commissioner, products would be individually packaged and labelled within the County of origin.

Mountain Investments will secure trading outlets for its products through existing/soon developed self-distribution networks. These distribution networks service retail dispensary outlets that possess licensure within their respective jurisdictions, as well as the State licensing platform under the BCC. The established and growing customer base has created a demand and fulfills the need for many cannabis products from multiple licensed suppliers within the State of California.

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As per the Track and Trace provisions as of June 27th, 2017 under the Medical Adult Use Cannabis Regulation and Safety Act (MAUCRSA), Senate Bill 94.

Chapter 6.5. Unique Identifiers and Track and Trace

26067. (a) The department, in consultation with the bureau, shall establish a track and trace program for reporting the movement of cannabis and cannabis products throughout the distribution chain that utilizes a unique identifier pursuant to Section 26069, secure packaging, and can provide information that captures, at a minimum, all the following:

- (1) The licensee receiving the product.
- (2) The transaction dates.
- (3) The cultivator from which the product originates, including the associated unique identifier pursuant to Section 26069.
- (b) (1) The department, in consultation with the State Board of Equalization, shall create an electronic database containing the electronic shipping manifests to facilitate the administration of the track and trace program, which shall include, but not be limited to, the following information:
 - (A) The variety and quantity or weight of products shipped.
 - (B) The estimated times of departure and arrival.
 - (C) The variety and quantity or weight of products received.
 - (D) The actual time of departure and arrival.
 - (E) A categorization of the product.
 - (F) The license number and the unique identifier pursuant to Section 26069 issued by the licensing authority for all licensees involved in the shipping process, including, but not limited to, cultivators, manufacturers, distributors, and dispensaries.

All products would be transported through either the permitted cultivator to processing or distribution and/or via a licensed transporter to trading partners that are authorized to distribute cannabis products to end consumer outlets (when applicable). These transporters would be responsible for adhering to guidelines that involve (but are not limited to) permitting, weights and measures, packaging/packing/labeling, verification of packing and freight volumes, and liability insurance that covers product loss resulting from unintentional diversion or emergency.

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Transporters would be responsible for fulfilling contractual deadlines and ensuring delivery of products in a timely fashion to maintain positive standing with trading partners and protect the quality of a product that features a limited shelf life.

Prohibition of Onsite Consumption

Mountain Investments has a strict policy of maintaining a “drug free workplace”. No onsite consumption will be highly enforced via internal signage and repeated staff safety training.

License Screening & Registration

All potential customers will be thoroughly screened to ensure their compliance with State, County, and local regulations. This screening process is as follows:

- Customer is received at secured entrance and I.D. is checked.
- Customer license status is verified with administrative clerk.
- Customer enters into a service agreement and is entered into the customer management and track & trace system(s).

Record Acquisition and Retention

Licensed business records are collected and reviewed by only qualified, vetted staff members. The acquisition and retention of all license records is described below.

The record acquisition process is as follows: Administrative clerk requests proper identification to review license status with the State cannabis licensing databases. Step two is the license information will be entered into the customer information management system.

The record retention policy for cannabis related projects is a minimum of seven (7) years.

Program

The chain of custody of all cannabis product will be tracked via the State’s track and trace program. Safety and quality assurance measures will include batch testing by an independent, certified laboratory of all product sold to customer customers.

The Cannabis Safety Program (CSP) for the proposed CF includes processes to be implemented to ensure the physical and consumer safety of products entering the end consumer marketplace. The CSP should be a detailed program designed by the business in accordance with their practices that meet the Bureau of Cannabis Control’s regulatory goals.

Objectives

- Provide a safe environment for patrons, staff, and the public.
- Provide products that meet the regulatory safety and quality assurance standards.

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- Verify the legitimacy of all third-party vendors and products received.

Methods

- Inconspicuous advertising and signage.
- Security, on-going surveillance, and alarm system.
- Staff background check and safety training.
- Track and trace verification.
- Product testing verification.
- Packaging and labelling verification.

Step 1: Verify licensing and insurance of qualified vendor(s).

Step 2: Determine suppliers' methods and programs in accordance with Department of Consumer Affairs (DCA).

Step 3: Determine supply-chain scheduling.

Step 4: Negotiate contract for product(s).

Step 5: Verify product testing certification that meets consumer safety standards.

Step 6: Products delivered to secure receiving entrance.

Step 7: Manifests, inventory, and packaging/labelling verified by shipping/receiving department.

Step 8: Shipping/Receiving enters verified shipment into track and trace system.

Step 9: Imported product held in quarantine area temporarily before processed into facility.

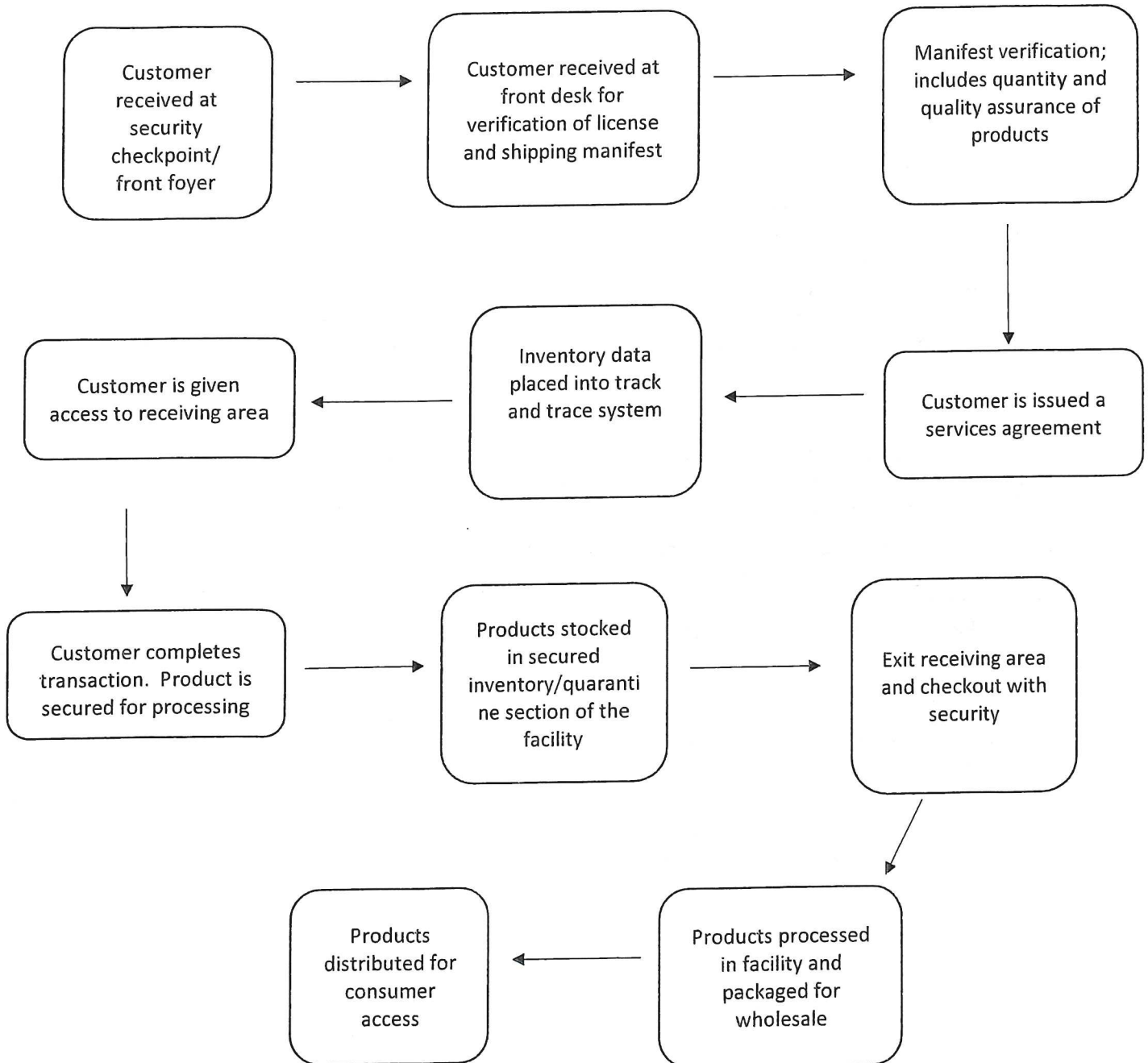
Cannabis Track and Trace Enrollment Verification

The Cannabis Track and Trace Enrollment Verification is featured in *Cannabis Track and Trace Enrollment Verification* section of this plan and serves as intent to comply with active enrollment and participation in this program.

Project sponsor would conduct verification of service providers and suppliers State License and County enrollment in the Track and Trace program and complies with all conditions and requirements of said enrollment.

Customer Intake Process

The path of qualified licenses holders through the facility provided on the following flow chart and image(s).



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Labor Plan

The labor plan addresses many aspects of product/inventory control, quality control, data management and security of this facility and its sensitive records. The company will adhere to robust standards and protocols that are required to reduce the risks associated with unlawful business activity.

Background

The Labor Plan covers many aspects of the workflow employed by the business from cultivation to harvest, dry, trim, cure, package, and assure the quality of cannabis products. Quality assurance efforts include sanitation, dust control, and environmental standards necessary for optimal processing.

As promulgated under various regulatory agencies, including but not limited to the Labor Commissioner (LC) and Wage and Hour Division (WHD), Employment Development Department (EDD), the Agricultural Labor Relations Board (ALRB), United States Department of Agriculture (USDA), the Food and Drug Administration (FDA), California Department of Food and Agriculture (CDFA), and are responsible for varying aspects of government labor laws, quality control, minimum wage and hours laws, administrative responsibilities, and health and safety regulations that govern processing and day labor activities related to Agricultural industries.

Project Details

Commercial activities undergo a common process flow that involves verification of suppliers' license status, verification of product lab results, to product purchasing, track and trace verification, distribution to transportation chain, product intake verification (inventory), and end consumer sales.

Cultivation activities undergo a common process flow that involves cultivation, to harvest, drying, to testing, grading/sorting, curing, to testing, packaging, to testing again (distributor level), and end sales. This is in efforts to ensure robust quality control; the business would employ stringent grading and sorting of cannabis product during harvest to eliminate any contaminated product from end supply.

Processing environments are broken up into different segments within Building A and B and include different functions such as quarantine, drying/curing, processing/packaging, and distribution. All stages will include chain of custody protocol to induce quality control practices and account for liability of product.

It is expected that structures for this project would support a maximum of fifty-five (55) people during peak processing activities. Applicant may propose additional structural development to accommodate enhanced operational needs.

No housing is provided for this project at this time.

Any housing provided to employees for this Project will be subject to CCR regulations found in the *Source Guide for Federal & State Requirement for Employees and Migrant Housing* and the *Department of Community Housing & Development*.

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Administrative

Administrative elements of the Project include payroll, recording and reporting, chain of custody, safety procedures and protocols, product safety materials, labor and subcontractor issues, and quality assurance/control of product.

The primary organization currently responsible for the recordkeeping of employees (both seasonal and permanent) would be Mountain Investments, Inc. All records maintained by Mountain Investments Inc. would be made available upon request.

The organization has considered payroll options for peak times of the season during which employment periods would be up to several months in duration (particularly during the harvesting, processing, and packaging stages of cultivation). An outside entity may be responsible for soliciting, recruiting, and hiring employees.

The designated entity is responsible for ensuring property, business, and workplace compliance under the guidelines of the following departments:

- Bureau of Medical Marijuana Regulation (BMCR).
- California Department of Food & Agriculture (CDFA).
- County Agriculture Commissioner (CAC).
- County Planning Department (CPD)/Community Planning (CP)/Development Department (DD).
- Department of Industrial Relations (DIR).
- Department of Labor, Wage, and Hour Division (DL-WHD).
- Department of Pesticide Regulation (DPR).
- National & California Agricultural Labor Relations Board (NALRB/CALRB).
- Occupational Safety and Health Administration (OSHA).
- U.S. Department of Labor (US-DOL).

All employee records for hours worked and reported would be kept onsite or via a payroll recordkeeping center and submitted to the managing payroll department to ensure timely reporting. Requests for review of payroll records would be the sole responsibility of the managing human resources agent (upon request and under certain lawful circumstances).

New hire employees will undergo a 90-day probationary period and be evaluation once upon the 90-day mark and 6 months beyond that timeframe. Long term employees will be evaluated one year beyond their 6-month evaluation to determine productivity, goals, future or current roles in the organization, and areas for growth.

All staff employed at the proposed CF will undergo the following:

1. Job training and education (including a review of laws, regulations, and policy at the proposed CF).
2. Background checks.

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3. Contact with Former Employers and/or Recommendations.

Company policy requires background investigations on staff, officers, directors, and owners. Findings that include felony charges because of theft, sexual assault, and other violent offenses may be cause for denial of employment and/or ownership.

Quality Assurance & Control of Product

Quality assurance efforts encompass sanitation, climate control, dust control, and a variety of environmental standards. Quality control measures include monitoring, testing, harvesting, drying, curing, grading, sorting, packaging, secure storage, and distribution procedures.

In 2011, the Food and Drug Administration tasked the U.S. Department of Agriculture (USDA) to co-create with the U.S. Department of Health and Human Services (USDHHS) and the Center for Food Safety and Applied Nutrition (CFSAN) a program to implement Good Agricultural Practices (GAPs) and Good Handling Practices (GHPs). The goal was to mitigate food safety hazards and set standards and management regulations for processing facilities to ensure quality and consumer safety of agricultural products when handled in processing environments.

Found in the April 2011 *Guide to Minimize Microbial Food and Safety Hazards for Fresh Fruit and Vegetables* (authored by the USDA, USDHHS, and CFSAN) is discussion about the fundamental procedures that should be developed and implemented. This document features a list of principles applied to the workplace in efforts to meet these standards and is as follows:

- Accountability for product quality.
- Controls for workplace sanitation.
- Employee hygiene.
- Minimization of microbial exposures.
- Operating procedures.
- Packaging procedures and protocols.

Agricultural businesses must adhere to a rigorous chain of custody system for product management and the identification of contamination in all raw and finished products.

Pre/post-harvest workflow would be monitored on a predetermined schedule and involve documentation of the condition of the product during its active stage of monitoring.

During harvest, a labor crew would be required to assist with light physical labor, including walking, crouching, lifting, and some climbing.

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All product testing would be conducted by an approved (certified) third-party laboratory. This would encompass testing for potency and purity, including the presence of pesticides, fungicides, and harmful micro biologics.

Product would be harvested at maturity and dried and cured in a climate-controlled environment. The primary equipment used would include dehumidifiers, fans, and heaters.

Products would be graded based on testing results, maturity, and specific intended use (flower, manufacturing of extracts, concentrates, topical products, etc.)

Product would be harvested, trimmed, dried, and cured in a manner best suited to the specific environmental factors of the crop. This would include both visual inspections by expert cultivators and data collection and analysis (via automated sensors).

Packaging would adhere to the guidelines for package type, quantity/weights, warning labels, and stamping procedures.

- customer **titration** guidelines (dosing recommendations).
- **testing** for major "active agents" (cannabinoids and terpenes).

Health & Safety

The first response emergency contact phone number is 9-1-1. Hospitals are Redwood Memorial Hospital at 707-725-3361(Fortuna) and St. Joseph Hospital at 707-445-8121 (Eureka). The American Association of Poison Control Centers (AAPCC) can be reached at 800-222-1222.

Labor duties would vary throughout the harvesting, drying, processing, and packaging stages of the operation. With each task, an analysis would be conducted to identify potential hazards associated with a task, including weather conditions, the physical aptitude of employees, tools utilized, and potential exposure to chemicals and other substances. Identification of these hazards is intended to mitigate potential job hazards and help ensure employee adherence to safety practices.

It is required by the DIR that every employer shall establish, implement, and maintain an effective Injury and Illness Prevention Plan (IIPP).

Components of an IIPP include:

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- Employee compliance with safe and healthy work practices.
- Investigation of injuries and/or illnesses.
- Procedures for correction of unsafe/unhealthy conditions, work practices, and/or procedures.
- Procedures to identify and evaluate workplace hazards.
- Responsible person(s) and contact information.
- Safety training.
- System for communication with employees.
- Thorough safety program recordkeeping and document retention practices.

Written protocols regarding heat illness prevention would be available to employers, managers, supervisors, and employees regarding how to prevent and handle heat illness incidents.

To prevent heat illness to employees in the field, several factors must be considered:

- Ambient temperature (measured via thermometer or weather report).
- Crew size.
- Excessive clothing.
- Other relevant exposures.
- Presence of personal protective equipment or additional sources of heat.
- Work shift duration.

The following heat illness factors would be considered:

- Accessibility of drinking water.
- Accessibility of shade (via protective structures).
- Periodic rest breaks.
- Reminders to employees to remain hydrated.

Hazard communication is important to ensure the safety of all onsite employees, contractors, and subcontractors. Potential and known hazards would be made clear prior to conducting tasks and activities. Implementing this procedure is important to ensure that employees, contractors, and subcontractors are informed about the relevant risks associated with certain onsite tasks and the reduction of liabilities against the employer for improper use of equipment, machinery, and tools.

Emergency procedures include the availability of eye washing stations and detailed procedures for dealing with chemical spills. In the event of an emergency, certain protocols would be developed and followed regarding fire evacuation plans, earthquake safety, and other emergency scenarios.

Any input products used onsite would be accompanied by MSDS and Chemical Inventory Lists that would be available to inspectors and employees and maintained onsite.

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In the event of emergency spills, call 9-1-1 and then report to the Office of Environmental Safety (OES) and California State Warning Center (CSWC) at 800-852-7550 or 916-845-8911 and identify proper steps to isolate the incident and cleanup.

Often, chemicals used onsite provide MSDS sheets that indicate the need for applicators to utilize an eye washing station after exposure. The eye washing station must be positioned within 200' of the cultivation area and any areas where chemicals, fertilizers, or pesticides would be used or administered for various applications.

An investigation would be conducted to determine next steps.

The company adheres to protocols for employee accident reporting. The manager is responsible for documenting any onsite incidents using *Form 5020*, including:

- Address of accident/event site.
- Description of accident/event and if the accident scene/instrumentation has been altered.
- Employer's name, address, and telephone number.
- Law enforcement agencies present at the accident/event site.
- Location of medical treatment.
- Name and address of injured employee(s).
- Name and job title of reporting party.
- Name of contact person at accident/event site.
- Nature of injuries.
- Time and date of accident/event.

Accidents need to be reported immediately to Cal/OSHA in Redding at 530-224-4743.

Contact the business' medical provider, the employee's designated medical provider, or 9-1-1, depending on the severity of the incident. Follow up with contact to the California Division of Workers' Compensation (CDWC).

Application of pesticides and fungicides requires personal protective equipment, including respirators, Tyvek suits, and gloves. It is the applicator's responsibility to ensure safety in the field. The farm manager is responsible for furnishing, applying, and informing of the appropriate uses associated with such products.

Applicators are required to acquire an Operator ID through the Agriculture Commissioner via the Pesticide Handling Training Program (PHTP). This would involve training applicators about labels, cautions, and recommended Personal Protective Equipment (PPE). Pesticide PPE would be stored onsite and separately from fertilizers, pesticides, and fungicides. Restricted Entry Intervals (REI) would be imposed and posted after application of chemicals to prevent exposures.

Additional PPE provided onsite for any processing labor would include access to gloves and dust masks by employees during drying, processing, and packaging.

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It is the responsibility of managers/supervisors to ensure that PPE policies are followed during appropriate working conditions. In the event of product application by an employee, the applicator must be designated an operator ID and is required to employ the proper PPE during application, as well as abide by label warnings in the event of exposure, poisoning, or a spill.

State law may require processors to employ PPE equipment for the duration of their shifts to ensure no exposure to and/or contamination from a product.

All laborers must be made aware of REI and tangible notification of the recommended REI after the application of pesticides, fungicides, and other chemical applications.

Occupancy & Structural Guidelines

The general environments in which laborers would work include the field and within the proposed processing building. The environments in which any agricultural activity would occur would follow all guidelines (per agricultural and labor oversight agencies). The facility would need to meet commercial building standards in accordance with California Building Codes and would be made compliant with the American with Disabilities Act (ADA) and Architectural Barriers Act (ABA).

Any housings, buildings, and structures would be subject to California Building Code (CBC), including possible permitting requirements, inspections, and certificate(s) of occupancy. Additionally, specific exemptions exist that pertain to agricultural standards under the Occupational Safety and Health Administration (OSHA) and in conformance with the Occupational Safety and Health Guidelines (OSHG) (unless the Project meets certain exemptions, such as being a family-owned and operated business, does not offer temporary labor housing, or employs fewer than 10 employees at any given time). In other such cases, the site would need to comply with OSHA Guidelines pertaining to agricultural employment.

As per the DIR and the US-DOL, all notices and labor postings would be provided and visible to all onsite employees. Any notification of occupancy status and terms of employee occupancy would be posted in compliance with all local, State, and Federal laws governing agricultural employers under the following regulatory bodies and regulations:

- California Agricultural Labor Relations Act (CALRA).
- California Occupational Safety & Health Administration (Cal/OSHA).
- Department of Industrial Relations (DIR).
- State and National Agricultural Labor Relations Board (CLRB & NLRB).
- U.S. Department of Labor (US-DOL).

To help ensure the quality of finished product, a clean working environment would be maintained during the drying, curing, processing, and packaging stages of cultivation. Among other benefits, this would prevent potential contamination between crop batches. All product would be batch tested prior to processing. In the event of a recall, it would be assured that each batch or variety has not become contaminated during these stages within the processing facility.

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In the event of high dust levels, all processing environments would maintain clean working areas to prevent potential dust exposure to employees.

To ensure product quality and to prevent potential contamination of processing environments, certain dust control measures would be implemented. These measures would include maintenance of sanitary working environments and possible implementation of air filtration systems.

The Project site would provide employees with access to the following facilities/resources within reasonable proximity to work areas:

- Handwashing facilities (individual units/restrooms/locker rooms).
- Onsite potable water (break room(s)).
- Restroom facilities (restrooms on each level of each facility).

Security Plan

The Project's *Security Plan* includes product security, inventory management, and diversion prevention. Pertinent regulatory language includes the following:

Assembly Bill 604 (AB-604), Article 3, Mandatory Commercial Registration, § 26040 (5): "Security requirements, including, but not limited to, procedures for limiting access to facilities and for the screening of employees. The department shall require all registrants to maintain an accurate roster of any employee's name, date of birth, and relevant identifying information, which shall be available for inspection by the department or State or local law enforcement upon demand."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(3): "Operating and inventory control procedures to ensure security and prevent diversion."

AB-604, Article 3, Mandatory Commercial Registration, § 26046 (a)(4): "Detailed operating procedures for the proposed facility, which shall include, but not be limited to, provisions for facility and operational security, prevention of diversion, employee screening, storage of cannabis, personnel policies, and recordkeeping procedures."

The Security Plan details efforts to prevent loss and diversion of cannabis products, ensure safety, and implementation of a tracking system to account for product(s) throughout the chain of distribution. Security features of the proposed CF will reduce criminal activities and would include the following measures: Exterior lighting, alarms, security cameras, and optional hardening measures.

Criminal Activity Reward Reduction Measures

Policies and practices for securing cannabis products, cash, customer data, equipment, computers, and other valuables.

In efforts to mitigate criminal activity to surrounding community, the project will adhere to the following standards:

- Inconspicuous signage representing the storefront facility's nature of business.
- Ongoing surveillance.
- Alarm system to protect the facility.
- Perimeter fencing and secured access.
- Identification verification.
- Incentivize community and employees of neighborhood watch security through incentive bonuses, commemoration, and awards.
- Contribute to local police force for additional security implementation monitoring program.

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Project Specific Security

The proposed CF features security measures involving the following processes/mechanisms:

1. Customer verification checkpoint: Customers will be received at initial security checkpoint. Customers will then be received at front desk for verification of identification and/or licensure.
2. Video cameras: The proposed CF employs twenty (20) video cameras capturing continuous video during continuous hours. Recordings are archived and retained for a minimum of thirty (30) days.
3. Alarms: Alarms system will be designed and installed for the facility serviced by Advanced Security Systems. Together, these alarms would trigger a security process that, when necessary, contacts local law enforcement to prevent theft and diversion of product.

Hardening measures: The facility is currently equipped with one metal doorway to the delivery entrance and plans to implement additional hardening measures on one (1) entryway to service entrance, one (1) entryway to back entrance, and deadbolts on all access doors. The premises sponsor proposes to complete secure rod iron fencing around property perimeter of eight (8) feet in height.

Measures of Security

Several security measures would be involved in the comprehensive protection of cannabis products. These include exterior lighting, alarms, cameras and video capture, and the hardening of doors, windows, and fencing.

Security measures for this project would encompass, at a minimum:

- Locked containment for product storage (to be developed).
- Surveillance and monitoring systems (to be developed as per the State's requirements).
- Alarm System.
- Secured entry into working part of the facility (Building A and B)

Security Map

Includes exterior lighting, alarms, security cameras, and any hardening measures (See Floor Plan/Plot Plan).

Security Cameras

The proposed CF features twenty (20) security cameras in the locations displayed in the Security Map above. All footage is retained for a maximum of 30 days.

Points of Security (Proposed Room Layout)

Floor 1:

- Doors & Windows (Alarm Triggers Stay & Away)
- Front Parking Area (Camera)
- Southwest Boundary of Building (Motion Sensor)
- Back Patio Area (Camera & Motion Sensor Light)
- Ramp Out of Front Entrance (Camera & Motion Sensor Light)
- Delivery Entrance Area/Kitchen Storage (Camera & Motion Sensor Light)

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- Front Foyer (2 Cameras)
- Customer Intake Area (Camera)
- Product Sales Counter (2 Cameras)
- Juice Bar Area (2 Cameras)
- Bar (Camera Out)
- Conference Meeting/Ancillary Retail Room (2 Cameras)
- Clone Storage/Edible Manufacturing Room (2 Cameras)
- Bar Storage Area (Camera)

Floor 2:

- Entry up to Second Floor (Camera)
- Manager's Office/Vendor Intake Room (Camera)
- Second Floor Outside (Camera)

Alarms

The proposed CF dispensary features an alarm system that is in perpetual operation (24 hours a day, seven days a week). The alarm involves Advanced Security Systems. The alarm includes local law enforcement notification.

Exterior Lighting

The proposed facility features exterior lighting at the entrance, the southwest exterior wall, the back patio, and on the north interior wall of the storage room, as shown on the Security Map above.

Hardening Measures

The proposed facility contains one (1) gated door, with proposal to install an additional three (3) metal doors, and windows that could be hardened with metal bars with the exception for one (1) un-barred window that can be used as an emergency exits. The windows will be connected to the Advanced Security Systems, as shown on the enclosed Security Floor Plan. The premises will be secured entirely by an eight-foot rod-iron perimeter fence with secured entry points and will be fully enclosed in the future.

Storage

The Storage Room (see *Floor Plan*) of the proposed facility will feature multiple security measures, including locks, video surveillance, and secondary secured containment for the storage of all cannabis product not on display in the dispensing room. During non-business hours, all cannabis products will be stored in secondary containment within the secure Storage Room(s).

Storage Room Features

The Storage Room(s) features the following security measures:

- Video surveillance and recording.
- Commercial locks connected to central alarm station at all entry points.
- Restricted Access Entry Keypad.

Inventory Management

A rigorous system of recordkeeping and reporting would be facilitated to adhere to the State's Track and Trace requirements of all cannabis products. This would include (but not be limited to) flower, trim, edibles, concentrates, topicals, and stems to ensure zero diversion of product throughout processing.

To prevent loss and diversion, all cannabis products would be stored under locked containment during the drying, curing, and packaging phases of processing. Products would also be subject to conformance with a checks and balances system to ensure the prevention of unintentional diversion.

Prevention of Diversion

The most vulnerable stage of product security is transit to retail outlets. The best way to ensure product safety and prevention of diversion and loss is to maintain adequate chain of custody records via the Agricultural Commissioner's (SICPA) and the State's (METRC) Track and Trace System.

All parties participating in the supply chain would be informed of expected delivery quantities via packing slips, shipping manifests, and Trace an Trace. Additional measures include: tamper-evident seals, verification of credibility, and product liability coverage.

Cultivation Plan

The Cultivation Plan adheres to robust standards promulgated under the DPR and regulated under the CDFA, and in accordance with DCA's consumer standards maintained by the Department of Public Health (DPH).

In preparation for future certification related to organically produced product, the Cultivation Plan also follows National Organic Program (NOP) standards. The input guidelines established by the DPR are in accordance with certification regarding organically produced product requirements and follow a whole-farm BMP plan for management of land, crops, and end products.

The Project proposes 7,280 sq. ft. of Type 2A of indoor cultivation operating on cycles of vegetation/flowering and 2,750 sq. ft of Type 4 nursery activities in the form of a total of 9 designated rooms that would be serviced entirely by artificial light. Indoor cultivation activity will run up to three rooms of flowering at a time for a total of 3,120 sq. ft. of space to be harvested simultaneously (see schedule below).

Water for the Project would be sourced from one (1) interior water storage tank and one (1) water filtration tank system supplied by City of Rio Dell Municipal Water.

Cultivation Schedule

The following table details the annual cultivation schedule, comprised of up to forty-five (45) harvests per year, with breakdown by area. Water figures are indicated in gallons.

Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Room 1-3	Veg/Blm	Blm	Blm/Veg	Blm	Blm	Veg/Blm	Blm	Blm/Veg	Blm	Blm/Veg	Blm	Blm
Room 4-6	Blm/Veg	Blm	Blm	Veg/Blm	Blm	Veg/Blm	Blm	Blm/Veg	Blm	Blm	Veg/Blm	Blm
Room 7-9	Blm	Veg/Blm	Blm	Blm/Veg	Blm	Blm	Veg/Blm	Blm	Blm/Veg	Blm	Blm	Veg/Blm
Nursery	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg
Propagation	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg	Veg
Water	4500	4500	4500	4500	4500	4500	4500	4500	4500	4500	4500	4500

Water Resources

Water for the proposed cultivation Project would be sourced from City of Rio Dell Municipal Water to supply the cultivation activities.

To mitigate runoff from cultivation activities, water reclamation and filtration and special irrigation techniques would be employed.

Applicant will design and implementation of a water conservation irrigation control system.

In the event of a water emergency, the proposed Project will feature a backup groundwater well to supply the cultivation and building's domestic activities.

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Cultivation/Processing Equipment

The cultivation facility will be supported by six (6) 1000-watt HPS Gavita systems/room (totaling forty-two (42) systems). Each room will also feature a filtered air intake system, and water runoff will be collected through a floor drainage system to be recovered in the closed loop water filtration system. Odor control will be implemented through the EverClear CM-11 System proposed in the Inventory and the Odor control portion of this plan.

Waste Management Plan (Soil/Green Material)

The facility proposes to produce manufactured goods and infusion products. As a result, there will be minimal waste generated that will need to be disposed of as per the Bureau of Medical Cannabis Regulations proposed rulemaking regarding handling waste product. The proposed CF will also generate green waste in the cultivation or processing of cannabis products, waste produced as a result will be held in a secured onsite compost area and disposed at a licensed offsite facility.

Soil used for the operation will be disposed of via an onsite contained leaching and reclamation system adjacent to the outdoor compost holding area. The maximum soil to be stored at any given time equals to 672 cubic feet, which is the approximate total soil used for the operation within the indoor cultivation zone. Soil from the nursery will not be as easily or quickly spent due to the prolonged life cycle of the mothering stock.

Any waste produced will be documented and managed according to the CF's *Waste Management Plan*, available in the Waste Management Plan stated in this application.

Waste Management Plan

In accordance with specifications provided by the DEH and the California Unified Program Act (CUPA)—to meet the business plan criteria required to ensure compliance with regulations that are intended to protect public health and the environment—this section addresses water production (including well construction) and the handling of onsite wastewater, solid waste, and hazardous materials.

The Waste Management Plan addresses onsite wastewater and hazardous wastes, solid waste removal and recycling, water production and well construction, hazardous materials handling, agricultural product storage, and chemical spill procedures and handling guidelines.

Material Safety Data Sheets (MSDS) for all fertilizers, soil amendments, and pesticides would be made available onsite. If requested, all equipment maintenance performed onsite would be listed/described. Per California Department of Food and Agriculture (CDFA) regulations, chemicals would be stored separately from fuels, oils, and similar products. Fertilizers and pesticides, specifically, would be stored in locked containment within an outdoor structure.

Chemical spills would be handled and reported per directions in the Project's Chemical Spill Procedure.

Common waste products that would be used or generated onsite include:

- Fertilizers.
- Fuels.
- Household chemicals.
- Human refuse.
- Human waste.
- Pesticides/herbicides/fungicides.

To ensure mitigation of potential pollution of grounds, nearby waterways, and ecological habitats, the proper treatment, storage, removal, and overall security of potentially polluting products would be ensured via use of dedicated areas and containers that are covered and watertight.

Project Waste Management

The sections below address the Project-specific details, impacts, and procedures for handling waste products.

Project location is proposed to support two (2) 9,600 sq. ft. buildings and one (1) 6,000 sq. ft. building, and is currently sits as a vacant lot off the main stretch of 101 Northbound, in Rio Dell, CA. Wastes generated by this project include but are not limited to, human waste, human refuse, raw cannabis wastes as a by-product of manufacturing and Edible production operations. The use of cleaning agents and products will be minimal. Chemicals employed are documented in the *Gases and Cleaners Inventory system* kept on site, and with supporting *Safety Data Sheets onsite*.

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Pursuant to the Occupational Health and Safety Administration's; General Environmental Controls pertaining to Sanitation. §1910.141(a)(2):

Non-water carriage toilet facility, means a toilet facility not connected to a sewer.

Number of employees means, unless otherwise specified, the maximum number of employees present at any one time on a regular shift.

Personal service room, means a room used for activities not directly connected with the production or service function performed by the establishment. Such activities include, but are not limited to, first-aid, medical services, dressing, showering, toilet use, washing, and eating.

Potable water means water that meets the standards for drinking purposes of the State or local authority having authority, or water that meets the quality standards prescribed by the U.S. Environmental Protection Agency's National Primary Drinking Water Regulations (40 CFR 141).

Toilet facility, means a fixture maintained within a toilet room for defecation or urination, or both.

Toilet room, means a room maintained within or on the premises of any place of employment, containing toilet facilities for use by employees.

Toxic material means a material in concentration or amount which exceeds the applicable limit established by a standard, such as 1910.1000 and 1910.1001 or, in the absence of an applicable standard, which is of such toxicity to constitute a recognized hazard that is causing or is likely to cause death or serious physical harm.

Urinal means a toilet facility maintained within a toilet room for the sole purpose of urination.

Water closet means a toilet facility maintained within a toilet room for both defecation and urination and which is flushed with water.

Wet process means any process or operation in a workroom which normally results in surfaces upon which employees may walk or stand becoming wet.

As per the CCR, Title 8, § 3457, which addresses field sanitation standards, the cultivation site is required to provide access to waste facilities within one-quarter (1/4) mile or a five (5) minute walk, whichever is shorter.

If the primary septic system is not within this accessibility threshold, a portable facility or pit privy may be provided in lieu of septic to support waste activities. The standards for portable waste facilities are as follow:

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- Toilet facilities: Shall be always operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.
- Chemical toilet wastewater tank: Shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall prevent splashing on the occupant, field, or road.
- Chemical tanks: Contents shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity, a suitably sized and constructed holding tank approved by the local health department, or any other method approved by the local health department.
- Privies: Shall be moved to a new site or taken out of service when the pit is filled within two (2) feet of the adjacent ground surface. When the privy is moved, the pit contents will be covered with at least two (2) feet of well-compacted dirt.

As per Section 42649.8(c) of Public Resources Code any waste composed of or containing unusable cannabis leaves or flowers will be treated as organic waste, and managed in compliance with Division 30, Part 3, Chapters 12.8, 12.9 and 13.1 of the Public Resources Code.

Project facility will initially utilize proper waste hauling efforts to eradicate plant waste from the facility and will adhere to the following standards:

- The facility will use active compost on-site under applicable standards for offsite distribution.

For any cannabis waste collected by a permitted waste hauler, documentation regarding the name, address, phone, and contact person of the provider will be sent to CDFA. A receipt will be logged identifying the date and time of the pick-up along with a certified weight ticket.

Any used soil kept for reuse will be stored in enclosed containment or will be properly stored off-ground on a tarp or in secure containers with proper covering. During the off-season reusable cultivation materials are collected and stored where they will not enter a waterway or create a nuisance. All packaging from tools, amendments, soils, and fertilizers will be kept in secure trash storage and properly discarded. Garbage will be transported to the Eel River Recovery in Fortuna, CA on a weekly basis. Recycling will be transported to Eel River Recovery monthly or more frequently as needed.

The State Water Quality Control Board's General Board Order requires the operator to dispose of organic materials or reused spent growth medium (e.g., soil and other organic media) in a manner that prevents discharge of soil and residual nutrients and chemicals to any nearby waterways. Spent growth medium shall be covered with plastic sheeting or stored in water tight dumpsters prior to proper disposal or reuse. Spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating the surface with native plants. Erosion control techniques will be used as needed, for any reused or stored spent growth medium to prevent polluted runoff.

Along with other composted vegetation matter, cannabis waste, will be tilled or chipped for recycling and composted in a secure designated composting area, in compliance with Title 14 of the California Code of Regulations at Division 7, Chapter 3.1 (commencing with

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Section 17850). If any material is placed in a secure waste receptacle, it will be kept in an area where public access is prohibited.

Registration requirements for Compost Permits would be excluded from the site management plan due to exemptions including but not limited to:

- Handling agricultural material, derived from an agricultural site, that returns a similar amount of the material produced to that same agricultural site, or an agricultural site owned or leased by the owner, parent, or subsidiary of the composting activity. It is noted that no more than an incidental amount of up to 1,000 cubic yards of compost product may be given away or sold annually.
- The use of compostable material and/or digestate for gardening or landscaping on a parcel of land 5 acres or less in size.
- Composting green material, agricultural material, food material, and vegetative food material, alone or in combination, is an excluded activity if the total amount of feedstock and compost on-site at any one time does not exceed 100 cubic yards and 750 square feet.

When cannabis waste has been identified it will be weighed and then logged into the state track-and-trace system, prior to preparation for composting or disposal. The system will be reviewed and reconciled periodically to ensure accuracy.

Plants are watered using irrigation control system at appropriate agronomic rates to prevent excessive runoff. Runoff will cycle through the interior two (2) stage water filtration system housed next to the nutrient water storage.

The premises have an onsite septic system connected to each of the three facilities and is specified to support greywater and black water. Wastewater will be disposed through three (3) 90' leach lines supported by a 3500-gallon tank reserve. Temporary septic containment will be proposed to support Phase .5 in the form of a modular restroom and to support waste containment while under construction for Phase 1 & 2.

As per the CCR, Title 8, § 3457, which addresses field sanitation standards, the cultivation site is required to provide access to waste facilities within one-quarter (1/4) mile or a five (5) minute walk, whichever is shorter.

Where the septic system is not within this accessibility threshold, a portable facility will be provided in lieu of septic to support waste activities. The standards for portable waste facilities will be followed for toilets, wastewater, and chemical tanks.

Toilet facilities will always be operational, maintained in a clean and sanitary condition, and kept in good repair. Records of service and maintenance shall be retained for two years.

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Chemical toilet wastewater tank will always be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall prevent splashing on the occupant, field, or road.

When chemical tanks are used, contents shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity, a suitably sized and constructed holding tank, or any other method approved by the local health department.

Hazardous Waste Handling

The EPA defines a hazardous waste as a waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing process wastes to batteries and may come in many forms, including liquids, solids gases, and sludges.

In the event the site produces hazardous waste, it will be managed in compliance with all state and local hazardous waste statutes and regulations.

Reporting Thresholds of products that fall within the within the Federal Hazard Communication Standard (HCS), Physical or Health categories featuring twenty-four (24) sub-categories that require reporting if the volume of product stored meets or exceeds the following thresholds:

- 55 gallons, 500 pounds, or 200 cubic feet (for 30 days or more at any time during a year) of hazardous material, including hazardous waste
- Category I or II pesticides
- Explosives
- Extremely hazardous substances (above the planning threshold)

Safety Data Sheets (SDS) for all chemicals, fertilizers, and amendments would be furnished and made available onsite. Compressed gases, cleaners, and sanitizers are stored in the quantities outlined in the site's chemicals inventory list that is maintained onsite.

Operators are required under California's Certified Unified Program Agency (CUPA) guidelines to list/describe all equipment maintenance performed on site (including changing oil, antifreeze, etc.). Upon request, applicant will furnish information regarding ongoing maintenance of small machinery and equipment that is necessary to support cultivation activities, including hazardous wastes that meet the reporting thresholds.

Operator will keep storage areas free from accumulated materials that cause tripping, fires, or explosions, or that may contribute to the harboring of rats and other pests. All hazardous materials storage areas shall have appropriate secondary containment structures, as necessary, to protect water quality and prevent spillage, mixing, discharge, or seepage.

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In addition, workers should consider placing bound material on racks, and secure it by stacking, blocking, or interlocking to prevent it from sliding, falling, or collapsing.

The Project is supported by PG&E utilities and does not require fuels to supply the domestic energy needs of the structures or cultivation activities. Backup gas power generation using natural gas may be proposed to support the facilities in the event of power outage. Other fuels may be used for small equipment and machinery and may include gasoline, oils, and diesel. All fuels used for equipment would be stored per the (CUPA) fuel and chemical storage guidelines.

To meet environmental health standards, applicants must maintain a list of and describe all compressed gases, cleaners, and sanitizers (including, but not limited to, household chemicals, bleach, and alcohol) and document quantities stored onsite. Fuels, pesticides, and other agricultural/household chemicals are required to be stored in locked containment, separate from other input products. Any substance in use shall be accompanied by a posted notification that clearly identifies its nature. To prevent spills onto ground surfaces, any motors, fuel containers, etc. would be stored in drop pans and within an enclosed area.

Application or use of chemicals, pesticides, and fungicides requires personal protective equipment, which may include face masks, respirators, Tyvek suits, chemical resistant gloves, and chemical resistant footwear. It is the applicator's responsibility to ensure safety on the operation.

Applicators are required to acquire an Operator ID through the Agriculture Commissioner via the Pesticide Handling Training Program (PHTP). This will involve training applicators about labels, cautions, and recommended Personal Protective Equipment (PPE). Pesticide PPE will be stored onsite and separately from fertilizers, pesticides, and fungicides. Restricted Entry Intervals (REI) would be imposed and posted after application of chemicals to prevent exposures. (See *Integrated Pest Management Plan* for additional details.)

Additional PPE provided onsite for any harvesting labor would include access to gloves and dust masks by employees during drying and packaging. It is the responsibility of managers and supervisors to ensure that PPE policies are followed during appropriate working conditions.

- Deck Oven
- Cooktop Range
- Commercial Mixer
- Commercial Blender
- Side by Side Refrigerate/ Freezer
- Walk-in Cooler
- Dishwasher

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- Rosin Press
- Roto-Vap/ Short Path Distillation
- Vacuum Ovens
- Pollen Collection Box
- Recovery Pumps, Chillers, and Vacuums

- Flex Mod Modular Systems (See attached specification sheet)
 - Temporary Phase one (1) Modular (Volatile) on East End of Building Lot.
 - Building B Up to three (3) total Manufacturing Modules inset into three (3) individual units.

- Shrink-Wrap Machines
- Heat Seal Machines
- Vape Pen Cartridge Dispensers
- Banding Machine
- Vacuum Sealers

Cultivation

Forty-two (42) 100-watt Gavita systems for Flowering Space.

Twelve (12) 600-watt Gavita systems for Mothering Space.

Up to 300 T-12/T-5 Lighting systems for Propagation Space.

Nine (9) EverClear CM11 Odor Filtration Systems.

Nine (9) Filtered Air Intake Systems.

Onsite.

- 10 Gallons-Bleach
- 1 Gallon-Simple Green
- 25 Gallons Pharmaceutical Grade Alcohol (Tinctures)

- CO2 (Max 2 Week Supply)
- Butane (Max 2 Week Supply)
- Isopropyl Alcohol (Max 2 Week Supply)

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Fertilizer line not available currently. Applicant will be customizing a compost tea fertilizer formula derived from only certified organic input ingredients. All organic wastes will be temporarily composted onsite and removed to approved facility and water discharges will be recycled through onsite closed loop filtration system.

Formula is as follows for flowering space.

15 Gallon Pots= 2.0 cubic feet.

48 Pots/Room= 96 cubic feet soil/room.

96 cubic feet x 7 rooms= 672 cubic feet/soil.

Formula is as follows for mothering space:

Forty-Eight (48) 25-gallons pots=3.34 cubic feet/soil= 160.32 cubic feet of soil

Any hazardous waste removed will comply with the Occupational Safety and Health (OSH) standards and Department of Transportation (DOT) standards in accordance with required health and safety and environmental mitigation efforts. Measures will include following all health and safety protocols, storage guidelines, placement of warning labels, documentation of quantity of product to be disposed, and proper transportation security methods as required by local and state regulations.

Hazardous materials to be handled by employees will be handled by a trained and certified member under the Hazardous Waste Operations and Emergency Response (HAZWOPER) program.

Operator will employ spill control and containment practices to prevent the discharge of hazardous waste. Operators will keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of fertilizers, petroleum products, or other hazardous materials.

In the event of emergency spills, the incident would be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911. The California Highway Patrol would be notified via 9-1-1 of spills occurring on highways in the State. The company's *Illness and Injury Prevention Plan's* Chemical Spill Procedures would be followed, and emergency services also contacted via 9-1-1. The procedure will follow the California Office of Emergency Services (Cal OES) California Hazardous Materials Spill/Release Notification Guidance (February 2014) and the EPA's (Pacific Southwest, Region 9) Chemical Spills Prevention and Preparedness webpage.

The site has obtained or is in the process of applying for all required permits, licenses, or other clearances, and will comply with all orders, laws, regulations, or other requirements of other regulatory agencies, including, but not limited to local Humboldt County Department of Environmental Health, North Coast

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Regional Water Quality Control Board/State Water Board, Humboldt County Planning Department, City of Rio Dell, California Department of Fish and Wildlife, and local fire authorities.

Hazardous Material Standards

Quantities that trigger disclosure are based on the maximum amount onsite at any one time, as follows:

- 55 gallons, 500 pounds, or 200 cubic feet (for 30 days or more at any time during a year).
- Any amount of hazardous waste.
- Category I or II pesticides.
- Explosives.
- Extremely hazardous substances (above the planning threshold).

MSDS for all fertilizers, soil amendments, and pesticides (including organically produced examples) would be furnished and made available onsite. Compressed gases, cleaners, and sanitizers are stored on the premises in the quantities outlined in the *Gases and Cleaners* inventory list that is maintained onsite.

Applicants are required under CUPA guidelines to list/describe all equipment maintenance performed onsite (including changing oil, antifreeze, etc.). Upon request, applicant will furnish information regarding ongoing maintenance of small machinery and equipment that is necessary to support cultivation activities.

As per the DPR (enforced by CDFA or the local Agriculture Commissioner), Projects that utilize pesticides and fertilizers must meet guidelines pursuant to CCR, § 6670, Title 3, Division 6, *Pesticide, and Pesticide Control Operations*. General guidelines dictate that chemicals are to be stored separately from fuels, oils, and similar products. Fertilizers and pesticides would be stored in locked containment within an enclosed outdoor structure.

The proposed Project location will be supported by City of Rio Dell, Water services. Temporarily the facility will supply its temporary water needs from a groundwater well to be developed.

The proposed Project location is proposing a septic system that will support all three facilities. Employees would utilize the primary septic system for regular uses. Now, no record of permit exists regarding the system. A Septic suitability study has been prepared to support data on the development of this system. Further inspections may be required to identify the septic system's ability to support increased use during peak seasonal work times and whether it supports peak activity.

The proposed CF will not discharge liquid effluent, although may produce raw cannabis waste during the juicing and medible manufacturing, and minimal effluent from facility sanitation products. Waste products will be stored in a secured cannabis destruction area under surveillance and removed from the site to an approved waste disposal facility.

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In the event of emergency spills, the incident would be reported to the Cal OES State Warning Center at 800-852-7550 or 916-845-8911. The California Highway Patrol must be notified via 9-1-1 of spills occurring on highways in the State. The *Chemical Spill Procedure* would be followed, and emergency services also contacted via 9-1-1. The procedure would follow the California Office of Emergency Services (Cal OES) *California Hazardous Materials Spill/Release Notification Guidance* (February 2014) and the (EPA) (Pacific Southwest, Region 9) *Chemical Spills Prevention and Preparedness* webpage.

In the State of California, many statutes require emergency notification of a hazardous chemical release, including:

- California Labor Code § 6409.1 (b).
- Government Code § 51018, 8670.25.5 (a).
- Health and Safety Code § 25270.8, § 25510.
- Public Utilities Code § 7673 (General Orders #22-B, 161).
- Title 42, U.S. Code § 9603, 11004.
- Vehicle Code § 23112.5.
- Water Code § 13271, § 13272.

In addition to statutes, several agencies have notification or reporting regulations:

- Title 8, CCR, § 342.
- Title 13, CCR, § 1166.
- Title 14, CCR, § 1722 (h).
- Title 17, CCR, § 30295.
- Title 19, CCR, § 2703, 2705.
- Title 22, CCR, § 66265.56 (j), § 66265.196 (e).
- Title 23, CCR, § 2230, 2250, 2251, 2260.
- Title 40, CFR, § 263 esp. § 263.30.
- Title 49, CFR, § 171.16.

All garbage will be contained within a holding structure and is to be removed no less than once per week. A permitted solid waste/recycling facility will process all waste and/or recycling materials. The facility designated to receive waste products for this project is Eel River Recovery in Fortuna, CA.

The Project is supported by a temporarily by a groundwater well. The long-term water support system would be provided by a water main supplied by the City of Rio Dell and would support all domestic and cultivation uses.

Approximated water use for activities are denoted within the *Cultivation Schedule* under the Cultivation Plan. Monthly monitoring and annual reporting must be implemented to identify actual total uses for domestic and cultivation activities.

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Pest Management Plan

As described in the Cannabis Cultivation Policy of the California State Water Resources Control Board, an Integrated Pest Management Plan is an ecosystem-based strategy that focuses on long term prevention of pests and their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

This plan will discuss the following distinct categories for a through IPM Program:

1. Genetic Host Resistance
2. Cultural Practices
3. Biological Control
4. Environmental Control
5. Chemical Applications
6. Government Regulatory Measures

Genetic Host Resistance

Cannabis research for developing genetic resistance to common pests has yet to be established. As the industry develops there will be ongoing monitoring for news and information related to genetic breakthroughs for strains with greater resistance of common diseases and pests, which are compatible with the local climate.

Cultural Practices

Operator will reduce and or disrupt pest habitat when appropriate through a variety of potential measures including:

- Destroying or removing crop residue from the field by plowing, shredding, chopping, or burning, to remove or kill pests that are inhabiting the residue.
- Surveying field-edge vegetation and removing invasive plants that are known to harbor or provide food for pests when found.
- Managing irrigation practices to prevent runoff or excess nutrient flows which may be supporting pest habitation.
- Implementing tillage timed to disrupt underground pest's life cycle and directly control insect pest populations.

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- Removing available hiding places for habitation by cleaning up any clutter such as cardboard boxes, crates, used tires, wood piles, or other debris.

If necessary, crop planting will be delayed in an area where pests were recently present to reduce potential for future insect damage through avoidance.

If pest infestation reaches a high economic injury level to the crop, it may require the need to undertake an early harvest.

Operator will also consider Trap cropping, where “host” plants are provided for an insect pest near the primary crop that is to be protected. The pest then infests the preferred or “trap” crop instead of the primary crop. If necessary, the pests would then be killed in the trap crop.

Biological Control

Biological control is the use of natural enemies to pests such as predators, parasites, pathogens, and competitors. Operator will consider a variety of potential biological sources through the season including:

- Biological prey - predatory mites, ladybugs, beneficial nematodes, etc.
- Natural fungicides - potassium bicarbonate, sodium bicarbonate, etc.
- Microbial bacteria's - *Bacillus thuringiensis*, *Beauveria bassiana*, and *Bacillus subtilis* QST, etc.
- Botanicals - planting Zinnias, Marigolds, Chrysanthemums, Lavender, etc.
- Horticultural oils - neem oil, garlic oil, citrus oils, other essential oils
- Minerals - diatomaceous earth

Applications of biological controls can include either topical organic methods, release of predatory insects, planting of trap crops, and prevention through sanitation efforts.

Applications will vary based on the pest being addressed and extent of the infestation. Treatments are made with the goal of removing only the target organism. Materials will be selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

Environmental Control

As with high value crops such as nurseries, cut flowers, tomatoes, leafy vegetables, and homestead farm crops, environmentally controlled greenhouse structures will contain the Cannabis crop to assist in preventing the presence of pests, along with all other cultural and biological controls being implemented.

Without the presence of other IPM controls, this type of environment can also foster and promote habitat for pest colonies and will be monitored closely. These types of controlled environments are beneficial to the grower as they can manipulate climate control conditions to create an environment that deters specific pests while providing additional shelter for high value crops from transporting pests.

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Other effective controls will involve monitoring climate patterns, colony life cycles, water quality, soil moisture, and inputs as well as implementing cultural measures, such as crop rotations.

Quality control of the environments fostering crops will adhere to a stringent regime of cleaning nursery materials, debris management, pest remediation, and culling cultivars susceptible or exposed to pest colony damage.

Chemical Applications

Chemical applications will be determined by an action threshold established for evaluating the potential for economic injury versus the need for more dramatic pest reduction methods. If cultural and biological controls are deemed ineffective and, based on pest colonization and plant injury the action threshold is met, the result will be use of chemical applications to further suppress and reduce impact to economic yield and eradicate the pest activity.

Per California Food and Agricultural Code section 12753(b), the term "Pesticide" includes any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or non-agricultural environment whatsoever.

If use is required, pesticide products applicators will not use a rate that is higher than the rates listed on the label and follow the agricultural use requirements including method of application, restricted entry interval, personal protective equipment, and pre-harvest intervals.

Chemical applications are provided through two channels of application; topical (spray/atomized) or systemic. Active compounds can include either inorganic or organic materials.

Natural farming methods will rely on food-grade granules, powders, essential oils, or insecticidal soaps whose active ingredients are exempt from registration requirements.

Application of pesticides and fungicides requires personal protective equipment, including respirators, Tyvek suits, and gloves. It is the applicator's responsibility to ensure safety in the field. The site manager will be responsible for furnishing, applying, and informing of the appropriate uses associated with such products.

Applicators will, as required, acquire an Operator ID through the Agriculture Commissioner via the Pesticide Handling Training Program (PHTP). This will involve training applicators about labels, cautions, and recommended Personal Protective Equipment (PPE).

In compliance with DPR best practices the operator will also:

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- Provide additional PPE items onsite for all applicators. Available items will include access to chemical resistant gloves, eye protection, respirators, bodysuits and related health and safety protection for pre and post application.
- Prior to any pesticide use, the Operator will ensure the applicator be designated an Operator ID, and will employ the proper PPE during application, as well as follow label warnings and Safety Data Sheet (SDS) instructions in the event of exposure, poisoning, or spills.
- As required by the California Department of Pesticide Regulation (DPR), the Pesticide Safety Information Series (PSIS A-8) *"Safety Rules for Pesticide Handlers on Farms"* and (PSIS A-9) *"Pesticide Safety Rules for Farm Workers"* will be completed and visible to all employees. (See Exhibit A)
- DPR A-8 and A-9 signage will be posted in the chemical headquarters (not generally in office) to accompany the onsite Pesticide Use Log (PUL) and SDS documents.
- Eyewash bottles will be provided in application and mix loading areas, and handwashing facilities will be readily available.
- 24-48 Hours prior to the application of registered pesticide products Restricted Entry Interval (REI) postings shall be placed at the entrance to any areas to be affected.
- For all products used and stored, care will be given to ensure that product labels are always kept with products.

Operator will keep storage areas free from accumulated materials that cause tripping, fires, or explosions, or that may contribute to the harboring of rats and other pests. All hazardous materials storage areas shall have appropriate secondary containment structures, as necessary, to protect water quality and prevent spillage, mixing, discharge, or seepage.

In addition, workers should consider placing bound material on racks, and secure it by stacking, blocking, or interlocking to prevent it from sliding, falling, or collapsing.

Any hazardous waste removed will comply with the Office of Occupational Safety and Health (OSH) and Department of Transportation (DOT) standards in accordance with required health and safety and environmental mitigation efforts. Measures will include following all health and safety protocols, storage guidelines, placement of warning labels, documentation of quantity of product to be disposed, and proper transportation security methods.

Hazardous materials to be handled by employees will be handled by a trained and certified member under the Hazardous Waste Operations and Emergency Response (HAZWOPER) program.

Government Regulatory Measures

Pesticides must be registered by both the U.S. Environmental Protection Agency (U.S. EPA) and the California Department of Pesticide Regulation (DPR) before they can be sold and used in California. There

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are no pesticides registered specifically for use directly on Cannabis and the use of pesticides on Cannabis plants has not been reviewed for safety or human health effects.

Under California law, the only pesticide products not illegal to use on Cannabis are those that contain an active ingredient that is exempt from residue-tolerance requirements; and registered and labeled for a use that is broad enough to include use on Cannabis (e.g. unspecified green plants); or Exempt from registration requirements as a minimum risk pesticide under FIFRA section 25(b) and 3 CCR § 6147. (FAC §§ 12973, 12995; 3 CCR § 6490.)

Prior to using any eligible pesticides, the operator will obtain a proper identification number from the County Agricultural Commissioner and conduct usage with proper Department of Pesticide Regulation training, certification, and supervision.

All staff working in a canopy cultivation area where pesticides will be used, will annually be required to obtain a valid personal pesticide license or certificate issued by the department or other valid certificate of pesticide training. Standard training will include:

- Where and in what forms pesticides may be encountered, including treated surfaces in the field, residues on clothing, personal protective equipment, application and chemigation equipment, irrigation water, and drift;
- Potential hazards that pesticides present to fieldworkers and their families including acute, chronic, and delayed effects, and sensitization effects;
- Routes by which pesticides can enter the body;
- Signs and symptoms of overexposure;
- Routine decontamination procedures when working in a treated field and the employer's responsibility to provide decontamination supplies;

Environmental Protection and Toxic Substances publication EPA 735F99024 features language that specifically regulates against Pesticide Drift impacts to neighboring properties and crops. The operator will ensure standard protocols are followed to avoid drift. As the EPA and local agencies support complaint-based enforcement, the operators will be prepared to review protocols and internal processes and respond immediately upon notification of any complaints.

U.S. EPA designates certain pesticide products as federally "Restricted Use" products when they determine those products may cause unreasonable adverse effects even when used as directed on the product labeling. Restricted Use pesticides are limited to use by certified applicators, or to those under the supervision of a certified applicator.

In addition, the DPR also designates certain pesticide active ingredients as California "Restricted Materials" or placed on the "Groundwater Protection List" when they determine those pesticides are especially hazardous to human health or the environment. Application of Restricted Use or Restricted

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Materials products require a permit issued by the County Agricultural Commissioner. As permits will not be issued for Cannabis cultivation sites, no EPA Restricted Use, DPR Restricted Material, or Groundwater Protection List pesticides will be used at this time. (FAC § 14001, et seq.; 3 CCR § 6400 and § 6800.)

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Appendices

The following regulatory information sources contributed to the development of this narrative.

Source Guide for Federal & State Requirements for Employee & Migrant Housing

Health & Safety

- First Aid.
- Communicable Diseases.
- Hand Washing, Bathing, and Laundry.
- Cooking, Kitchen, and Mess Halls.
- Garbage and Refuse.
- Insects and Rodents.

Occupancy & Structural Guidelines

- Housing Site.
- Housing Structure.
- Postings of Required Information.
- Permit to Operate Housing.
- Mobile Homes, Recreational Vehicles, and Commercial Modular.
- Tents.
- Construction and Repair.
- Fire Safety.
- Electrical.
- Lighting.
- Heating.
- Liquid Propane (LP) Gas.

Waste Management

- Toilets.
- Water Supply.
- Screens.
- Sewage.

Enforcement

- Enforcement and Penalties.
- Remediation and Mitigation.

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Sources of Additional California Regulatory Information

SOURCES OF ADDITIONAL INFORMATION		
More specific information can be obtained by:		
<ol style="list-style-type: none"> Review of the following reference documents at law and public libraries: <ul style="list-style-type: none"> California Health and Safety Code, Division 13, Part 1, beginning with Section 17600. California Code of Regulations, Title 25, Chapter 1, beginning with Section 600. California Code of Regulations, Title 24, California State Building Code. Federal Migrant and Seasonal Agricultural Worker Protection Act. Code of Federal Regulations, Title 29, Parts 560 through 569.270. Code of Federal Regulations, Title 29, Part 1910.142 (OSHA Reg.) Obtaining or purchasing copies of documents as follows: <ul style="list-style-type: none"> <u>CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 13, PART 1</u> (Employee Housing Act) can be purchased from: West Publishing Company, PO Box 64526, St. Paul, MN; telephone 800-328-4880 <u>CALIFORNIA CODE OF REGULATIONS, TITLE 25, CHAPTER 1</u>, and the <u>CALIFORNIA CODE OF REGULATIONS, TITLE 24</u>, can be purchased from: Barellays Law Publishers, Attention: CCR/Agency Services Representative 400 Oyster Point Blvd., PO Box 3006, South San Francisco, CA. 94083 800-888-3600 or on the internet at http://www.leginfo.ca.gov/calaw.html <u>MIGRANT AND SEASONAL AGRICULTURAL WORKERS PROTECTION ACT</u> and <u>OSHA REGULATION 1910.142</u>. Can be obtained by contacting the Wage and Hour Division of the U.S. Department of Labor offices as shown on this page or on the internet at: http://www.dol.gov/esa/whd/mspa/index.htm Contacting the appropriate government offices listed below: 		
If the housing is located in one of the following counties contact the county office listed below:		
Fresno Environmental Health Systems 1221 Fulton Mall, 3 rd Floor Fresno, CA 93775-1867 (559) 445-3391	Kern Environmental Health 2700 M. Street, Suite 300 Bakersfield, CA 93301 (661) 862-8700	Merced Environmental Health 777 W. 22 nd St. Merced, CA 95340 (209) 381-1100
Monterey Environmental Health 1270 Nauvada Road Salinas, CA 93906 (831) 755-4500	Santa Environmental Health 1195 Third Street, 101 Santa Ana, CA 94559 (707) 253-4471	Orange Environmental Health Div. 2009 E. Edinger Avenue Santa Ana, CA 92705 (714) 667-3600
Sacramento Environmental Health 3475 Jackson Road, 240 Sacramento, CA. 95826 (916) 875-8484 San Benito Building and Safety 3224 Southside Road Hollister, CA 95023 (831) 637-5313 San Joaquin Public Health Services 304 E. Weber Ave. Stockton, CA 95202 (209) 468-2426 Santa Cruz Health Services Agency 701 Ocean Street, Rm 312 Santa Cruz, CA 95060 (831) 454-2022 Tulare Resource Management Agency 5961 S. Mooney Blvd Visalia, CA 93277-939 1-800-228-6133		
STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF CODES AND STANDARDS NORTHERN CALIFORNIA: (North of Fresno County) 9342 Tech Center Dr #550 Sacramento, Ca. 95826 (916) 255-2501 SOUTHERN CALIFORNIA: (South of Madera County) 3737 Main Street, Ste 400 Riverside, CA 92501 (951) 782-4420 U.S. DEPARTMENT OF LABOR WAGE & HOUR DIVISION LOS ANGELES 300 South Glendale Ave., 400 Glendale, CA. 91205-1752 (818) 240-5274/75 SAN FRANCISCO 455 Market St., 800 San Francisco, CA. 94105 (415) 744-5590 WEST COVINA 100 North Barranca St., 850 West Covina, CA. 91791 (626) 966-6478 SACRAMENTO 2800 Cottage Way, Rm. W-1336 Sacramento, CA. 95825-1886 (916) 978-6123 SAN DIEGO 5675 Ruffin Rd. 320 San Diego, CA. 92123-1362 (619) 557-5606		

Federal Governing Bodies & Regulatory Framework

- U.S. Department of Agriculture.
- U.S. Environmental Protection Agency.
- Farm Labor Standards Act.
- Farm Bill 2014.
- Clean Water Act (CWA)/Safe Drinking Water Act (SDWA).
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- Resource Conservation & Recovery Act (RCRA).
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund).
- Clean Air Act (CAA).
- Emergency Planning & Community Right to Know Act (EPCRA).

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Summary of Employment Requirements for California Agricultural Employers

- Introduction.
- New and Updated Materials.

- Cal/OSHA Safety and Health Requirements.
- Cal/OSHA Consultation Services.
- Injury and Illness Reporting.
- Injury and Illness Prevention Program.
- Field Sanitation.

- Alternative Compliance.
- Drinking Water Requirements.
- Toilet and Handwashing Facilities.
- Location.
- Maintenance Standards.
- Handwashing Facilities.
- Notice to Employees.
- Required Reports.
- Recordkeeping.
- Weeding, Thinning, and Hot-Capping.

- Personal Protective Equipment (PPE).
- Tree Work Maintenance or Removal.
- Personal Protective Equipment Checklist.
- First Aid and CPR.
- Cleaning, Repairing, Servicing, and Adjusting Machinery and Equipment.
- Operation of Agricultural Equipment.
- Transporting of Employees.
- Manual Lifting and Carrying.
- Tools.
- Working at Heights.
- Mounted Air Compressors and Air Tanks.

- Fire Prevention Plan.
- Access to Medical and Exposure Information.

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- Respiratory Protection.
 - Storage of Hazardous Substances.
 - Top 10 Cal/OSHA Violations in Agricultural Operations.
 - Other Safety Issues.
 - Safety Training.
 - Specific Training Requirements.
 - Hearing Conservation.
 - Ergonomics standard.
 - Tractor Roll Over Protection.
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- Formula for Improved Injury Prevention.
 - Steps to Successful Compliance.
 - Responsibilities of the Safety Coordinator.
 - Include a system for ensuring that employees comply.
 - Summary of Employment Requirements for California Agricultural Employers Training.
 - Discipline.
 - Recognition.
 - Safety Compliance Program.
 - Communicating with Employees.
 - Identifying and Evaluating Workplace Hazards.
 - Safety Incident Investigation.
 - Training and Instruction.
 - Safety Program Records.
 - Other Safety Records.
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- Pesticide Safety Regulations.
 - Employer/Employee Responsibilities.
 - Hazard Communication.
 - Training.
 - Labels and Other Warnings.
 - Emergency Medical Care.
 - Restricted Entry Interval.
 - Early Entry Requirements.
 - Respiratory Protection.
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- I-8 and I-9

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- Minimum Wage.
 - State Exceptions.
 - Credits Against Minimum Wage for Meals and Lodging.
 - Piece Rates.
 - Travel Time.
 - Waiting Time.
 - Preparation Time.
 - Overtime.
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- IWC Order No. 4.
 - IWC Order No. 8.
 - IWC Order No. 13.
 - IWC Order No. 14.
 - Overtime Rules under Order No. 14.
 - Overtime Rules under Order Nos. 4, 8, and 13.
 - Which IWC Order Applies?
 - Working Under Two IWC Orders.
 - Federal Complication.
 - Winery Employment.
 - Cold-Storage Activities.
 - Figuring Overtime Pay.
 - Workweek Defined.
 - Workday Defined.
 - Overtime Exemptions – State.
 - Executive, Administrative, or Professional Employees.
 - Executive Exemption.
 - Administrative Exemption.
 - Professional Exemption.
 - Outside Salespersons.
 - Commissioned Inside Salespersons.
 - Truck Drivers.
 - Parents, Spouse, or Children.
 - Irrigators.
 - Part-Time Employees.
 - Make-Up Time.
 - Summary of Employment Requirements for California Agricultural Employers.
 - Truck Drivers.
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- Weekend or Holiday Overtime.

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- Other Wage-Hour Issues.
- Split-Shift Premium Pay.
- Piece Rates and Commissions.
- Bonuses' Effect on Overtime Pay.
- Group Rate for Piecework.
- Non-Piece-Producing Work Time of Piece-Rate Employees.
- Exempt Salaried Employees - Salary Deductions.
- Summary of Allowed Salary Deductions.
- Summary of Illegal Salary Deductions.
- Non-Exempt Salaried Employees.
- Clerical and Office Staff.
- Mechanics.
- Housing Employees.
- Workers' Compensation Premiums.
- Taxes.
- Workday and Workweek.
- Paid Time Off and Hours Worked.
- Paydays.
- Workers Employed by Farm Labor Contractors.
- Employees Boarded and Lodged.
- All Other Agricultural Employees.
- Executive, Administrative, and Professional employees.
- Payroll Deductions and Offsets Against Wages.
- Lawful Deductions.
- Garnishment of Wages.
- Employer May Not Collect or Receive Wages Paid Employee.
- Self-Help by Employers to Recover Unliquidated Sums.
- Losses Resulting from Simple Negligence.
- Discipline as an Alternative.
- Loss Suffered from an Employee's Dishonest or Willful Act or Gross Negligence.
- Deductions for Loans Made to Employees.
- Any Deduction Must be for Direct Benefit of Employee.
- Specific Deductions.
- Deductions Allowed by IWC Orders – Caveat.
- Deduction for Tardiness.
- Final Pay.
- Discharged or Laid Off.
- Quitting Employee.
- Waiting-Time Penalty.
- Working Conditions.
- Rest Periods.
- Meal Periods.

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- Day's Rest.
 - Accommodation.
 - Reporting-to-Work Pay.
 - Tools.
 - Uniforms.
 - Personal Protective Equipment – Indemnification.
 - Vacations.
 - Holidays.
 - Sick Pay.
 - Severance Pay.
 - Pension Plans.
 - Health Insurance.
 - Summary of Employment Requirements vi for California Agricultural Employers Different Health Insurance for Different Employees.
 - Discontinuance of Health Insurance During Workers' Compensation Disability.
 - Leaves of Absence - Time Off from Work.
 - Pregnancy-Disability Leave.
 - Family and Medical Leave Act and California Family Rights Act.
 - Court Duty.
 - Time Off for Crime Victims.
 - Emergency Duty as a Volunteer Firefighter.
 - Time Off to Participate in a Child's Daycare Facility or School Activities.
 - Time Off to Appear at School at School's Request.
 - Time Off to Vote.
 - Drug and/or Alcohol Rehabilitation.
 - Literacy Assistance.
 - Temporary Military and/or Reserve Duty Leave.
 - Military-Spouse Leave.
 - Mass Layoff/Plant Closure (WARN Act).
 - Federal WARN Act.
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- California WARN Act.
 - Farm Labor Contractors.
 - Responsibilities of a Grower Using a Farm Labor Contractor (FLC).
 - Independent Contractor Reporting.
 - Land-Management Services.
 - Migrant and Seasonal Agricultural Worker Protection Act (MSPA).
 - Coverage Under the MSPA.
 - Employer Coverage.
 - Farm Labor Contractor Coverage.
 - Employee Coverage - Migrant or Seasonal Agricultural Workers.

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- Migrant Agricultural Worker Exemption.
 - Seasonal or Another Temporary Basis Defined.
 - Field Work Defined.
 - Overview of MSPA Requirements.
 - Joint Employer Relationship.
 - MSPA Requirements for All Entities.
 - MSPA Requirements for Farm Labor Contractors.
 - Contracts for Labor or Services.
 - Penalties.
 - Private Right of Action.
 - Specific Requirements for Farm Labor Contractors.
 - Checklist of Farm Labor Contractor (FLC) Requirements.
 - Employer Tax Registration Requirements.
 - California Employer Identification Number.
 - California Franchise Tax Board.
 - Internal Revenue Service (IRS).
 - Insurance and Bonding Requirements.
 - Workers' Compensation Insurance Coverage.
 - Vehicle Liability Insurance.
 - Farm Labor Contractor Bonding.
 - Farm Labor Contractor Registration and License Requirements.
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- Federal Registration.
 - State Farm Labor Contractor License Requirements.
 - State License.
 - Responsibilities of a Grower or FLC Using an FLC.
 - Application.
 - Summary of Employment Requirements for California Agricultural Employers.
 - Farm Labor Contractor Examination.
 - Continuing Education.
 - Laws Relating to Farm Labor Contractor Employment of Employees.
 - FLC Supervisors.
 - Worker Recruitment.
 - Statement of Unpaid Wage Judgments.
 - Grounds for Losing a Farm Labor Contractor License.
 - Penalties.
 - Penalties for Failures to Pay Wages.
 - County Agricultural Commissioner Registration.
 - Workers' Compensation.
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- Coverage.
- Employee Exclusions.
- Responsibilities of Employers.
- Reportable Injury.
- Notice of Injury by Employee.
- Employee Claim Form.
- Physician or Chiropractor Designation.
- Disability Benefit Payments.
- Medical Treatment.
- Premium Calculations.
- Traveling to or From Work.
- Exclusive Remedy; Exceptions.
- Serious and Willful Misconduct.
- Illegally Employed Minors.
- Discrimination - Labor Code Section 132a.
- Penalties.
- Postings.
- Employment Insurance.
- Unemployment Insurance.
- Covered Employers.
- Experience Rating.
- Employer Account Number.
- Required Records.
- Time Limits of Records.
- Posting and Notice Requirements.
- Written Notice to Employee.
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- Disability Insurance and Paid Family Leave.
- Benefits of California SDI Coverage.
- Paid Family Leave Program.
- Child Labor.
- Work Permits.
- Agricultural Zone of Danger.
- Child Labor Summary.
- Exemption for One's Own Children.
- Minimum Age Standards General.
- Permits to Work and to Employ.
- Recordkeeping.
- Hours of Work.
- Spread of Hours.
- Restricted and Hazardous Occupations.
- Posting of Notice.

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- Wages.
- Citations and Penalties.
- Posting Requirement.
- Transportation.

Summary of Employment Requirements for California Agricultural Employers Transportation of Interstate Commerce Act (ICA) Regulations

- Migrant and Seasonal Agricultural Worker Protection Act (MSPA).
 - FLC Transportation of Worker.
 - Vehicles Covered Under Regulations Developed by DOL.
 - Exempt Vehicles.
 - Rules Which Apply to All Vehicles.
 - Vehicle Insurance Requirements.
 - Vehicle Safety Regulations Developed by the DOL.
 - State Statutes and Regulations.
 - Farm Labor Vehicles.
 - Vehicle Inspections.
 - Vehicle Drivers.
 - Farm Labor Vehicles.
 - Farm Labor Vehicle Equipment.
 - Pickup, Flatbed, and Dump Trucks.
 - Trucks.
 - Carrier or Employer Responsibility.
 - Cal/OSHA.
 - Liabilities Relative to Transportation.
 - Tractor-Driver Licensing Requirements.
 - Transporting Employees.
 - Operation on Public Highways.
 - Transportation Provided by Supervisors.
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- State Coverage.
 - Cal/OSHA Requirement.
 - Fees for Permits and Inspections.
 - Prohibitions.
 - Federal Coverage.
 - Penalties.
 - Credits Against Minimum Wage for Meals and Lodging.
 - Impact of Housing Employees.
 - Evictions; Housing Agreements.
 - Agricultural Labor Relations Act (ALRA).

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- Agricultural Labor Relations Board (ALRB).
- Coverage under the ALRA.

- Agricultural Employer.
- Farm Labor Contractor.
- Supervisor.
- Agricultural Employees.
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- Concerted Activities.
- Unfair Labor Practice.
- Union Elections and Collective Bargaining.
- Mandatory Mediation Order.
- Union Access.
- Unfair Labor Practices.
- Strikes, Picketing and Economic Boycotts.
- Remedies for Unfair Labor Practices.
- ALRB Remedies.
- Discrimination.
- Discrimination - General Background.
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- Other Laws.
- Protected Categories and Definitions.
- Summary of Employment Requirements for California Agricultural Employers.
- Ancestry, Race, Color, and National Origin.
- Sex Discrimination.
- Supervisor Harassment Training.
- Sexual Orientation.
- Gender Identity Discrimination and Harassment.
- Pregnancy, Childbirth, and Related Medical Conditions.
- Marital Status.
- Age Discrimination.
- Disabilities.
- Reasonable Accommodation.
- Pre-Job-Offer Inquiries.
- Post-Job-Offer, Pre-Employment Medical Examinations.
- Employee Examinations.
- Alcohol and Other Drugs.
- Religious Discrimination.
- Discrimination - Other Laws.
- Privacy in Employment.

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- Employee's Off-Work Activities.
- Garnishments.
- Return to Work Due to Medical Absence.
- Employers with one or more employees.
- Employers regularly employing five or more employees.
- Pregnancy Disability.
- Reporting Requirements - EEO-1.
- Applicant Identification Records.
- Harassment.
- Types of Sexual Harassment.
- Quid Pro Quo.
- Hostile or Offensive Work Environment.
- Duty to Prevent Sexual Harassment by Non-Employees.
- Notices, Posters, Disclosures and Records.
- Notices and Disclosures.

- Wages and Hours - Federal.
- Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA).
- Customer Protection and Affordable Care Act.
- Wage and Hour Regulation - State IWC Orders.
- Industrial Welfare Commission (IWC).
- Payday Notice.
- Statement of Wages.
- Compensation Notice.
- Farm Labor Contractor Rate of Compensation.
- Commissioned Employee - Written Contract Requirement.
- Migrant and Seasonal Agricultural Worker Protection Act (MSPA).
- General MSPA Poster.
- Worker Information.
- Housing Terms and Conditions.
- National Labor Relations Act (NLRA) Employee Rights.
- Employment of Minors.
- Employment Development Department (EDD).
- Equal Employment Opportunity is the Law.
- Equal Employment Opportunity is the Law.
- Age Discrimination is Against the Law.
- Family and Medical Leave Act (FMLA).
- California Fair Employment and Housing Commission (FEHC).
- Pregnancy-Disability Leave.
- California Family Rights Act (CFRA).
- Discrimination in Employment is Prohibited by Law.

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- Summary of Employment Requirements for California Agricultural Employers.
- Time Off to Vote.
- Housing and Meals.
- Operators of Labor Camps.
- Amounts Charged for Meals and Lodging.
- Fair Housing is the Law.
- Cal/OSHA.
- Safety and Health Protection on the Job.
- Cal/OSHA Form 300A.
- Field Sanitation Facilities.
- Access to Medical and Exposure Records.
- Agricultural - Industrial Tractors.
- Operating Rules for Industrial Trucks.
- Handwashing Water.
- California Safe Drinking Water and Toxic Enforcement Act.
- Pesticide Postings.
- Posting of Pesticide Storage Areas.
- Emergency Medical Care.
- Emergency Medical Services.
- Field Postings.
- Irrigation.
- Fumigants.
- Application-Specific Information for Field Workers.
- Pesticide Safety Information Series A-8.
- Pesticide Safety Information Series A-9.
- Workers' Compensation.
- Notice of Compensation Carrier.
- Medical Provider Network Information.
- Off-Duty Recreation.
- Written Notice to New Employees.
- Employee Polygraph Protection Act.
- Whistleblower Hotline.
- Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Mass Layoff/Plant Closure (WARN).
- Human Trafficking/Slavery Notice.
- Recordkeeping and Reports.
- Cal/OSHA.
- Field Sanitation Report.
- Recordkeeping.
- GISO § 3203.
- Department of Pesticide Regulation.
- Employment Development Department.

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- Wages and Payroll.
 - Statement of Wages.
 - Recording Hours Worked.
 - Payroll and Related Records.
 - Workday and Workweek.
 - Personnel Records.
 - Job Applications; Personnel Records.
 - Records That Must be Kept.
 - Immigration.
 - CIS Form I-9.
 - Farm Labor Contractor (FLC).
 - FLC License.
 - FLC Payroll Records.
 - Leave of Absence.
 - Family and Medical Leave Act.
 - California Family Rights Act.
 - Discrimination.
-
- Applicant Identification Records.
 - EEOC EEO-1 Report.
 - Recordkeeping and Inspection Requirements.
 - Inspection and Copying of Personnel Files.
 - Inspection and Copying of Payroll Records.
 - Workers' Compensation.
 - Employee Claim Form.
 - Form to Indicate Physician or Chiropractor.
 - Child Labor.
 - Permit to Employ and Work Permit.
 - Date of Birth.
 - Checklist of Forms and Reports.

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Glossary of Abbreviations & Definitions

AAPCC: American Association of Poison Control Centers
AB: Assembly Bill
ABA: Architectural Barriers Act
ADA: Americans with Disabilities Act
ALRA: Agricultural Labor Relations Act
ALRB: Agricultural Labor Relations Board
APN: Assessor's Parcel Number
AUMA: Adult Use Marijuana Act (Prop 64)
BCC: Bureau of Cannabis Control
BMCR: Bureau of Medical Cannabis Regulation
BMP: Best Management Practices
BOE: Board of Equalization
CAC: County Agricultural Commissioner
Cal OES: California Office of Emergency Services (*See also OES*)
CALRA: California Agricultural Labor Relations Act
CALRB: California Agricultural Labor Relations Board
CBC: California Building Code
CBO: Cannabis Board Order
CCR: California Code of Regulations (also Cal. Code Regs.)
CDFA: California Department of Food and Agriculture
CDFFP: California Department of Forestry and Fire Protection (CAL FIRE)
CDF: California Department of Fire
CDFW: California Department of Fish and Wildlife
CDIR: *Also see DIR:* California Department of Industrial Relations
CD: Community Development
CDPH: California Department of Public Health
CDWC: California Division of Worker's Compensation
CEH: Center for Environmental Health

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CEQ: Council on Environmental Quality
CEQA: California Environmental Quality Act
CFR: Code of Federal Regulations
CFSAN: Center for Food Safety and Applied Nutrition
CLRB: California Labor Relations Board
CSLB: California State Licensing Board
CMCLUO: Commercial Medical Cannabis Land Use Ordinance
CP: Community Planning
CPD: County Planning Department
CPRC: California Public Resources Code
CSWC: California State Warning Center
CUPA: California Unified Program Act
DCA: Department of Consumer Affairs
DD: Development Department
DEH: Division of Environmental Health
DFEH: Department of Fair Employment and Housing
DHHS: Department of Health and Human Services
DIR: Department of Industrial Relations
DLSE: Department of Labor Standards Enforcement
DL-WHD: Department of Labor, Wage and Hour Division
DOL: Department of Labor
DPH: Department of Public Health
DPR: Department of Pesticide Regulation
DWC: Division of Workers' Compensation
DWR: Division of Water Rights
EEOC: Equal Employment Opportunity Commission
EIR: Environmental Impact Report
EPA: Environmental Protection Agency
FLC: Farm Labor Contractor
FLSA: Fair Labor Standards Act
GAP: Good Agricultural Practices

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GHP: Good Handling Practices
GP: General Plan
HIPP: Heat Injury Prevention Plan
HSC: Health and Safety Code
HUC: Hydrologic Unit Code
IIPP: Injury and Illness Prevention Program
IPM: Integrated Pest Management
ISWDU: Initial Statement of Diversion and Use
LLC: Limited Liability Company
LRDP: Long Range Development Plan
LSA: Lake and Streambed Alteration
LSAA-1600/1602: Lake and Streambed Alteration Agreement
LC: Labor Commissioner
MBC: Medical Board of California
MCRSA: Medical Cannabis Regulation and Safety Act
MND: Mitigated Negative Declaration
MOU: Memorandum of Understanding
MRP: Monitoring and Reporting Program
MSDS: Material Safety Data Sheet
MSPA: Migrant Seasonal Protection Act
NCRWQCB: North Coast Regional Water Quality Control Board
ND: Negative Declaration
NEPA: National Environmental Policy Act
NLRB: National Labor Relations Board
NMBC: Non-Profit Mutual Benefit Corporation
NOE: Notice of Enrollment
NOI: Notice of Intent
NOP: National Organic Program
NRCS: Natural Resources Conservation Service
NWIC: Northwest Information Center
OES: Office of Emergency Services

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OMCS: Office of Manufactured Cannabis Safety
OMRI: Organic Materials Review Institute
OPR: Office of Planning and Research
OSHA: Occupational Safety and Health Administration
OSHG: Occupational Health and Safety Guidelines
OSHT: Occupational Safety and Health Technician
PG&E: Pacific Gas and Electric
PHTP: Pesticide Handling Training Program
PPE: Personal Protective Equipment
REI: Restricted Entry Interval
SB: Senate Bill
SDS: Safety Data Sheets (*See also MSDS*)
SDU: Small Domestic Use
SIU: Small Irrigation Use
SOP: Standard Operating Procedures
SWRCB: State Water Resources Control Board
THPO: Tribal Historical Preservation Office
USC: United States Code
USCB: United State Census Bureau
USDA: United States Department of Agriculture
US-DOL: United States Department of Labor
USDHHS: United States Department of Health and Human Services
WBO: Water Board Order
WDID: Waste Discharge Identification
WHD: Wage and Hour Division
WRPP: Water Resource Protection Plan
WWD: Waste Waiver Discharge Program

Prepared for Mountain Investments, Inc. by AgDynamix, LLC (March. 2018)

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Other Relevant Sources

- Adult Use of Marijuana Act (AUMA), <http://bit.ly/2hTHGHw>.
- Agricultural Operations, Field Sanitation, California Code of Regulations, Title 8, § 3457, <http://bit.ly/2iDeHrW>.
- Best Management Practices (SWRCB), <http://bit.ly/2ji6JEK>.
- Bureau of Medical Cannabis Regulation, or Bureau of Marijuana Control, <http://bit.ly/2pb9Lkq>
- CalCannabis, <http://bit.ly/2qHl43T>
- California Building Code (CBC), <http://bit.ly/2ii3wFb>.
- California Code of Regulations, § 51018, <http://bit.ly/2iq7azr>.
- California Environmental Quality Act (CEQA), <http://bit.ly/2jigkLE>.
- California Field Sanitation Standards, <http://bit.ly/2iDeHrW>.
- California Hazardous Materials Spill/Release Notification Guidance, <http://bit.ly/2ipUR6i>.
- California Health and Safety Code, § 25270.8, § 25510, <http://bit.ly/2itbkWX>.
- California Labor Code, § 6409.1 (b), <http://bit.ly/2j26HjC>.
- California Public Utilities Code, § 7673, <http://bit.ly/2ivtkR7>.
- California Water Code, § 13271, <http://bit.ly/2iq3Ggp>.
- Characteristic Hazardous Wastes, 22 CCR § 66261.21-66261.24, <http://bit.ly/2iq7pKF>.
- Commercial Medical Cannabis Land Use Ordinance (CMCLUO), <http://bit.ly/2jDgM7e>.
- Compassionate Use Act, <http://bit.ly/2f2Koud>.
- Contingency Plan and Emergency Procedures, California Code of Regulations, Title 22, CCR, § 66265.56, <http://bit.ly/2iDoiyG>.
- Detailed Hazardous Materials Incident Reports, Code of Federal Regulations, Title 49, CFR, § 171.16, <http://bit.ly/2iAmDZh>.
- Driving Offenses, California Vehicle Code, § 23112.5, <http://bit.ly/2iafgb5>.
- EPA, Pacific Southwest, Region 9, *Chemical Spills Prevention and Preparedness* webpage, <http://bit.ly/2ivmEIX>.
- Farmers, CCR, Title 22, § 66262.70, <http://bit.ly/2ivuufu>.
- Guide for State and Federal Requirements for Employee/Migrant Housing, <http://bit.ly/2iYFimu>.
- Hazardous Material Release Reporting, California Code of Regulations, Title 19, CCR, § 2703, <http://bit.ly/2iigd2U>.
- Health and Safety Code (HSC), § 11362.777, <http://bit.ly/2ivoMdk>.
- Lake and Streambed Alteration Agreement (LSA-1600/1602), <http://bit.ly/2iS5NWV>.
- Medical Cannabis Regulation & Safety Act (MCRSA), <http://bit.ly/2j2mwgc>.
- National Environmental Policy Act (NEPA), <http://bit.ly/2fSvght>.
- NEPA CEQA Handbook, <http://bit.ly/2ivnyPq>.
- Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, <http://bit.ly/1AKXsYc>.
- Onshore Well Regulations, California Code of Regulations, Title 14, CCR, § 1722 (h), <http://bit.ly/2iAmbKi>.
- Office of Manufactured Cannabis Safety, <http://bit.ly/2qR3WoO>
- OSHA Guidelines, <http://bit.ly/Zha1yc>.

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- Pesticide and Pesticide Control Operations, California Code of Regulations, § 6670, Title 3, Division 6, , <http://bit.ly/2iFhG4K>
- Pesticide and Pesticide Control Operations, California Code of Regulations, § 6670, Title 3, Division 6, <http://bit.ly/2ivveB5>.
- Regulations for Implementing the Procedural Provisions of NEPA, <http://bit.ly/2ivt84d>.
- Reporting of Incidents Involving Hazardous Materials or Hazardous Wastes, California Code of Regulations, Title 13, § 1166, <http://bit.ly/2itcX6J>.
- Reporting Work-Connected Fatalities and Serious Injuries, California Code of Regulations, Title 8, § 342: <http://bit.ly/2iS4dUU>.
- SB-643, Chapter 719, § 19302.1 (d), <http://bit.ly/2iAePXp>.
- Senate Bill 420, <http://bit.ly/2fy0zBj>.
- Solid Waste Storage and Removal Standards, California Code of Regulations, Title 14, Chapter 3, Article 5, <http://bit.ly/2iS8BmV>.
- Standards Applicable to Transporters of Hazardous Waste, Code of Federal Regulations, Title 40, Chapter I, Subchapter I, Part 263, <http://bit.ly/2i27ipc>.
- Statements of Water Diversions and Use, California Code of Regulations, § 5101, <http://bit.ly/2iigDWU>.
- Summary of Employment Requirements for California Agricultural Employers, <http://bit.ly/2i7mxJy>.
- Toxics, California Code of Regulations, Title 17, CCR, § 30295, <http://bit.ly/2it3sVh>.
- U.S. Code, Title 42, § 9603, <http://bit.ly/2iAp7Xi>.
- Unique Identifier and Track and Trace Program, Article 7.5, § 19335 (a), <http://bit.ly/2iYFT7K>.
- United States Code, Title 42, Sections 4331 et seq., <http://bit.ly/2iFqgiE>.
- Waste Discharge Reports and Requirements, California Code of Regulations, Title 23, CCR, § 2230, <http://bit.ly/2iFoWxe>.

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Mountain Investments, Inc. Temporary Plan Proposal

"Phase .5"

The temporary proposal for this site is to support temporary use structures and activity pertaining to Volatile manufacturing, Processing/Distribution activities, and appurtenant administrative uses on the central southeastern portion of Parcel No. 205-111-040 located on 550 Northwestern Ave. Rio Dell, CA, 95562. The temporary use site is sited where no long-range development is being proposed under a congruent application provided to the City of Rio Dell under a full application submission.

The site will feature two (2) 8x40 self-contained Flex Mod structures to support each use pertaining to Cannabis, with proposal for an ADA Rest Facility. An additional 8x40 commercial administrative office will also be sited West of Flex Mod's. All structures and access points are to conform to ADA standard. The proposed development will be supported by secured ancillary structures to support chemical storage, waste storage, and cannabis waste destruction materials.

Water use to support the facility will be implemented by means of portable central unpotable handwashing stations, with access to drinking water via a central water cooler within the administrative structure. Currently there is no water demands to support any other use function on the site. Rinse activities for equipment within the Volatile unit will require small quantities of solvents only, in which will be harnessed and disposed of accordingly.

There is a proposal to implement two (2) 5,000-gallon tanks, one tank primarily designated for fire suppression, one for possible ancillary domestic uses. Applicant has proposed to develop an onsite ground water well that would (if required) to support the temporary facility site to be installed on the far southeast corner of the parcel adjacent to the existing billboard siting, this well would also serve to backup water demands to support the Parcel in the event of water supply issues related to the facility being proposed for the site.

Currently, the property features power access supplying a minimum of 100AMP; 3-Phase Service that is functionally capable of supporting the energy requirements of the temporary development, with an additional power supply meter. Depending the power requirements of the technology within the Volatile Flex Mod unit additional power may need to be facilitated to support the demands of this

Created for Mountain Investments, Inc. by AgDynamix, LLC. May 2018

specific unit. Maximum energy use standards for the units: site capacity will need to be determined through Title 24 Calculations.

Waste Management Standards pertaining to the project follow the standards set forth in the original Operations Manual and is referenced as follows:

"All garbage will be contained within a holding structure and is to be removed no less than once per week. A permitted solid waste/recycling facility will process all waste and/or recycling materials. The facility designated to receive waste products for this project is Eel River Recovery in Fortuna, CA."

Operations standards to be followed can supplementary be found in the original Operations Manual submitted by the applicant Mountain Investments regarding regulatory compliance, health and safety, quality control and waste management standards.

Emergency measures to be implemented in the event of fire, would include an onsite SRA Water Tank totaling 5,000-gallons. Emergency measures pre-fabricated within the self-contained Flex Mod Unit are blast proofing, chemical suppression, and automatic lock-out tag-out mechanisms. It is not intended that any other functions on the site would warrant the demand for onsite fire protection, however, it is being proposed as a secondary protection measures in the event of water well development delays.

Security measures would feature a temporary secured perimeter fence protecting the site with barb wire anchored by ecology blocks as per the engineer's recommendation for temporary security measures. The siting of the temporary use development will additionally feature secured and restricted gated entry and additional proprietary surveillance measures. Additional security measures to be developed as conditions of the permit.

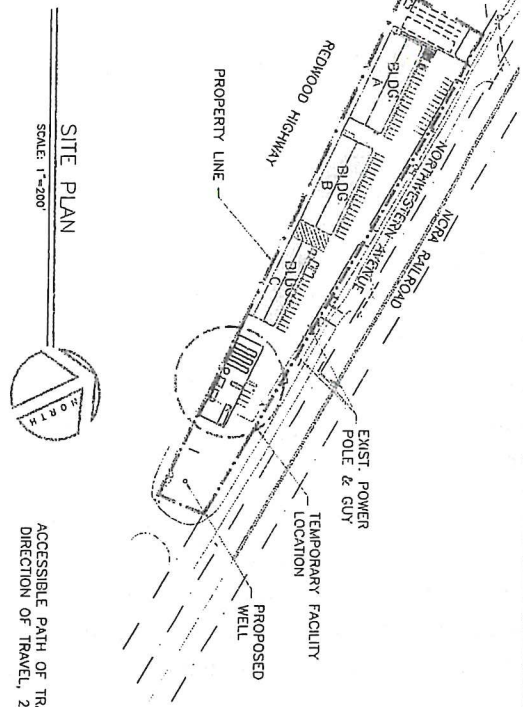
Please reference the temporary site plan additionally to better measure the visual layout of the proposed uses under this proposal. If you have any additional questions, please let us know. Thank you.

Best,

Teisha Mechetti

President of AgDynamix

Teisha Mechetti



SITE PLAN
SCALE: 1"=200'

ACCESSIBLE PATH OF TRAVEL, 5% MAX. SLOPE IN THE DIRECTION OF TRAVEL, 2% MAX. CROSS SLOPE (TYP.)

(3) 8x40 FLEXMOD EXTRACTION UNITS (OR SIMILAR)

17'-0" ACCESSIBLE PARKING SPACE

8'-6" (TYP.)

ADA GATE ACCESS

③

②

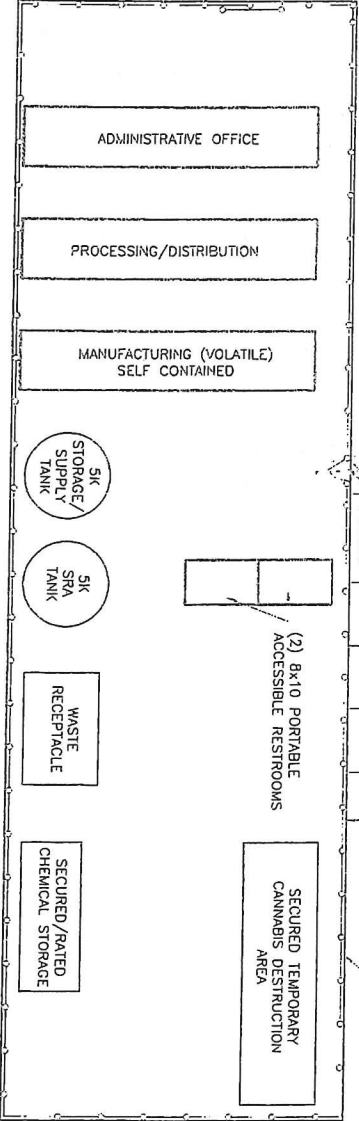
①

19'-0"

BUILDING PAD

TRUCK/DELIVERY GATE

PERIMETER SECURITY FENCE



PARTIAL SITE PLAN (BLDG. C)
SCALE: 1/8"=1'-0"

- NOTES:
1. FULL SECURITY PLAN TO BE PROVIDED ONCE BUILDINGS HAVE BEEN ORDERED.
 2. WATER TANKS TO BE FILLED FROM NEARBY WATER SOURCE AND/OR DELIVERIES. EMERGENCY WATER TANK SHALL ALWAYS BE FULL.

This drawing or drawing set shall not be used for construction unless a jurisdictional stamp (County, City, State, Federal) has been issued on the drawing, stating "FOR PERMIT" or similar verbiage, a wet signed professional engineer's stamp, and permit documents have been issued for the project.

PHASE 0.5 550 Northwestern Ave, Rio Dell, CA. For: Colin McClusky		WATCHCHURCH ENGINEERING, INC. 610 9th Street Fortuna California Phone (707) 725-6926	
Date: MAR 21, 18 Scale: AS NOTED Design: DCL Titled: GJK Job: MCT1801 Sheet: 1 of 1	REVISIONS BY: S-11-18 GJK		
SITE PLAN			

EXHIBIT A

Conditions of Approval Mountain Investments Conditional Use Permit File No. 205-111-040; Case No. CUP-CCLUO-18-03

Conditions of Approval

Temporary Facilities

The temporary facilities include an administrative office, a processing/packaging/distribution unit, a C1D1 8' x 40' FlexMod or similar volatile manufacturing unit, two ADA portable restroom facilities, 10,000 gallons of water storage, waste receptacles, cannabis waste facilities and a storage facility for the gases (solvents).

1. The applicants shall apply for and obtain a Building Permit for Building A (the proposed manufacturing building). The Temporary Permit is valid for 180 days. Extensions must be granted by the Planning Commission.
2. If the temporary structures are to remain during the winter (November 1st through April 15th) they must also meet the flood plain requirements in that they must be located one foot above the Base Flood Elevation (BFE) or be road ready in case they need to be relocated to higher ground.
3. Verification form the Fortuna Fire Protection District indicating they have no objection to the temporary facilities must be provided.
4. A six (6) feet chain link cyclone fence topped with barb wire shall be installed around the perimeter of the temporary site.
5. Security cameras shall be placed to monitor the site and the interiors of the C1D1 manufacturing unit and the processing/packaging/distribution unit. In addition, the following measures shall be implemented and maintained.
 - Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 720 concurrent hours of digitally recorded documentation in a format approved by the Planning Commission. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the Planning Commission.

- The facility shall be alarmed with an audible interior and/or exterior silent alarm system that is operated and monitored by a recognized security company, deemed acceptable by the Planning Commission. Any change in the security company shall be subject to the approval of the City Manager or his designee. All current contact information regarding the cannabis facility's security company shall be provided to the City Manager or designee.

6. The applicant shall enroll in the County Hazardous Waste program. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment.

7. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CCR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations.

8. The applicant shall participate in the City's Track and Trace program administered by CalOrigin and when available the State's Track and Trace program which is scheduled to be effective July 1, 2018.

9. The applicant shall submit evidence that the State has issued license(s) for the temporary manufacturing, processing and distribution activities.

10. Entrance to the extraction areas and any cannabis or cannabis products storage areas shall be locked at all times, and under the control of facility staff.

11. Cannabis, including cannabis products shall be stored in buildings that are completely enclosed, and in a locked vault or safe, or other secured storage structure which is bolted to the floor or structure of the premises.

12. Any windows and roof hatches of the temporary units that store cannabis or cannabis products shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable building provisions in the Code.

13. If using CO₂ in processing, a professional grade closed-loop CO₂ gas extraction system rated to a minimum of fifteen thousand (15,000) pounds per square inch (PSI) is required for every vessel in the system.

14. Extraction processes shall use a commercially manufactured professional grade closed-loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted sound engineering practices, such as (i) The American Society of Mechanical Engineers (ASME); (ii) American National Standards Institute (ANSI); (iii) Underwriters Laboratories (UL); or (iv) The American Society for Testing and Materials (ASTM).

15. Volatile extraction operations shall occur in a C1D1 spark-proof, explosion-proof room equipped with evacuation fans and lower explosive limit (LEL) detectors.

16. Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties.

17. Records Retention. The term record includes: all records, applications, licenses, reports or other supporting documents required by the City and the State. The following information shall be kept on-site be readily available

(a) Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.

(b) Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.

(c) All records related to commercial cannabis activity are subject to inspection by the City.

(d) A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.

(e) Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:

- City and State issued permits and license(s);
- Plan of Operations;

- All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;
- Any supporting documentation for data or information input into the track-and-trace system;
- Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;
- Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;
- Training records, including but not limited to the content of the training provided and the names of the employees that received the training;
- Contracts with other state licensed medical cannabis businesses;
- Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;
- Security records; and
- Records associated with the composting or disposal of waste.

(f) All required records shall be prepared and retained in accordance with the following conditions:

- Records shall be legible; and
- Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

18. Community Relations: Each medical cannabis facility shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the medical cannabis facility. Each medical cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the medical cannabis facility.

19. Inspections: Consent to on-site compliance inspections, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

20. Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.

EXHIBIT A

Conditions of Approval

Mountain Investments Conditional Use Permit

File No. 205-111-040; Case No. CUP-CCLUO-18-03

Permanent Facilities

1. The applicant shall comply with all of the conditions of approval for the temporary facilities, exclusive of Condition No. 2 regarding the temporary fencing. See Condition No. 3 below.
2. Indoor cultivation activities shall utilize in-floor drains for accidental over-watering or spills. The floor drainage system shall not be tied to the on-site wastewater treatment system, but tied to a holding tank to be recycled, pumped and transported to an off-site municipal treatment facility or to be used for on-site irrigation purposed for the landscaped areas.
3. A seven (7) foot black wrought iron or steel security fence shall be placed around the perimeter of the parcel.
4. All cultivation activities are subject to the following Performance Standards:
 - Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties from cultivation and processing facilities.
 - Electricity for Indoor cultivation activities shall be provided by any combination of the following:
 - (i) On-grid power with 42 percent renewable source.
 - (ii) Onsite zero net energy renewable source providing 42 percent of power.
 - (iii) Purchase of carbon offsets for any portion of power above 58 percent not from renewable sources.
 - (iv) Demonstration that the equipment to be used would be 42 percent more energy efficient than standard equipment, using 2014 as the baseline year for such standard equipment.

Purchase of carbon offset credits (for grid power procured from non-renewable producers) may only be made from reputable sources, including those found on Offset Project Registries

managed the California Air Resources Board, or similar sources and programs determined to provide bona fide offsets recognized by relevant state regulatory agencies.

- Generators are only allowed as an emergency back-up power source. The noise produced by a generator used for cannabis cultivation shall not be audible from neighboring residences. The decibel level for generators at the property line shall be no more than 60 decibels.
- Fuel shall be stored and handled in compliance with applicable state and local laws and regulations, and in such a way that no spillage occurs.

5. All manufacturing activities are subject to the same Temporary Conditions of approval.

6. A package used to contain a cannabis product shall adhere to the following requirements:

- The package shall protect the product from contamination and shall not expose the product to any toxic or harmful substance;
- The package shall be tamper-evident, which means that the product is packaged in a container within which a product is sealed so that the contents cannot be opened without obvious destruction of the seal; and
- The package shall not imitate any package used for products typically marketed to children.

7. The following labeling requirements shall be implemented as required by the State of California:

- Any information required to be listed on a label shall be written in English;
- Label and all required label information shall be unobstructed and conspicuous;
- The label shall be in a text size no less than 6 point font and be in relation to the size of the container; and

8. All labels shall include the following information or information required by the State of California at the time the products are produced.

- The applicable requirements of Section 19347 of Business and Professions Code;
- The net weight of the contents in the package; and

- The unique identifier assigned by the track-and-trace system as required by Section 8402 of the California Code of Regulations (CCR).

9. The following Security measures shall be implemented and maintained. In addition, the project is also conditioned to comply with the State's requirements as well.

- Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 720 concurrent hours of digitally recorded documentation in a format approved by the Planning Commission. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the Planning Commission.
- The facility shall be alarmed with an audible interior and/or exterior silent alarm system that is operated and monitored by a recognized security company, deemed acceptable by the Planning Commission. Any change in the security company shall be subject to the approval of the City Manager or his designee. All current contact information regarding the cannabis facility's security company shall be provided to the City Manager or designee.

10. State of California Security Regulations, §40200 of the California Code of Regulations (CCR). Every applicant and licensee shall develop and implement a security plan. At minimum, the security plan shall include a description of the security measures to be taken to:

- Prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:
- Establishing physical barriers to secure perimeter access and all points of entry into a manufacturing premises (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);
- Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;
- Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;
- Maintaining the premises such that visibility and security monitoring of the premises is possible; and

- Establishing procedures for the investigation of suspicious activities.
- Prevent against theft or loss of cannabis and cannabis products. This includes but is not limited to:
- Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the manufacturing process;
- Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
- Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
- Providing designated areas in which personnel may store and access personal items.
- Secure and back up electronic records in a manner that prevents unauthorized access and that the integrity of the records is maintained.

11. Highway 101, Metropolitan Heights and Northwestern Intersection Improvements: Any required improvement costs to the Highway 101 and Metropolitan Heights and Northwestern Intersections will be shared among the developers based on the number of daily trips generated by their uses.

12. The applicant shall execute the Release of Liability and Hold Harmless Agreement required by Section 17.30.195(4) of the Rio Dell Municipal Code (RDMC).

13. An emergency power source (generator) shall be provided to supply power to the manufacturing area at a minimum.

14. The operations shall comply with all local and State regulations at all times.

RESOLUTION NO. PC 126-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE MOUNTAIN INVESTMENTS
CANNABIS ACTIVITY CONDITIONAL USE PERMIT.**

WHEREAS an application for a Conditional Use Permit (CUP) for commercial cannabis activities including Volatile/Non-Volatile Manufacturing, Infusion Manufacturing activities (commercial kitchen), Cultivation, Nursery/Propagation activities, Processing/Packaging, Distribution, and Testing activities (To be held by tenant); and

WHEREAS Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the former Eel River Sawmill site, now known as the Humboldt Rio Dell Business Park with a Conditional Use Permit (CUP); and

WHEREAS the cannabis activities will occur in three (3) two-story buildings. Two buildings (Building's A & B) will be 19,200 square feet and the third building (Building C) will be 12,000 square feet; and

WHEREAS Building A will include volatile and non-volatile manufacturing, processing, packaging, distribution (storage), a lobby/receptions area, a couple of offices, men's and women's locker rooms with showers and restrooms; and

WHEREAS Building B will be primarily dedicated to cultivation activities, including a "mother" room, a propagation room to "veg" the starts or clones, seven (7) grow rooms, a drying/curing room, a processing (trimming/packaging) room, non-volatile manufacturing/infusion (commercial kitchen), restrooms, offices, storage and water filtration/recycling room; and

WHEREAS Building C will include the testing laboratory, a conference room, a break room, bathrooms, offices and secured storage rooms; and

WHEREAS the applicant is requesting that temporary facilities be allowed. Temporary facilities are allowed, provided the applicants have applied for and obtained a Building Permit for one of the buildings.

WHEREAS the temporary facilities include an administrative office, a processing/packaging/distribution unit, a C1D1 8' x 40' FlexMod volatile manufacturing unit, two ADA portable restroom facilities, 10,000 gallons of water storage, waste receptacles, cannabis waste facilities and a storage facility for the gases (solvents); and

WHEREAS The buildings were evaluated for compliance with the development standards of the Industrial Commercial (IC) zone, including setbacks, lot coverage, building height, parking, design review, landscaping etc. as part of the Design Review approval; and

WHEREAS the purpose of the Industrial Commercial zone is to provide for industrial and commercial uses; and

WHEREAS based on the information submitted and recommended conditions of approval, staff recommends that the proposed uses be found to be consistent with the development standards of the Industrial Commercial (IC) zone and the Commercial Cannabis Land Use Ordinance, Section 17.30.195 and the Use Permit requirements of Section 17.35.030 of the Rio Dell Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that *as conditioned*:

WHEREAS The proposed use is consistent with the general plan and any applicable specific plan; and

WHEREAS The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and

WHEREAS the site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints

WHEREAS granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located; and

WHEREAS the proposed project has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on May 22, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 126-2018 adopted by the Planning Commission of the City of Rio Dell on May 22, 2018.

Karen Dunham, City Clerk, City of Rio Dell